



Appeal Decision

Site visit made on 7 July 2020 by S Watson BA(Hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/J3720/D/20/3253771

5 Green Gates, Henley-in-Arden B95 5FR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr John and Mrs Carolyn Kisbey against the decision of Stratford on Avon District Council.
 - The application Ref 20/00715/FUL, dated 7 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a single storey extension to rear of property.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the living conditions of occupiers at Nos 4 and 5 Green Gates, with particular regard to outdoor amenity space, light and outlook.

Reasons for the Recommendation

4. The appeal site is on Green Gates, a pedestrian path, which links the High Street to Bear Lane. The site contains a two-storey dwelling and is part of a small terrace of similar properties with small rear gardens on the north side. The host garden is laid out as a patio over different levels. Part of the rear boundary serving the appeal site, and the whole of the boundary serving No 4 Green Gates, is formed by the two-storey side elevation of the dwelling north of the site.
5. The size of the existing garden at the appeal site is relatively small, and the close proximity of the surrounding development results in the garden feeling very enclosed. Nevertheless, I find it is commensurate with the size of the dwelling and is a useable and pleasant private amenity space.
6. The extension would considerably reduce the size of the garden and compromise its attractiveness as a useable space by squeezing it between the extension and eastern boundary, where it would feel cramped. In all the

- garden would be a less attractive place and its usability would be limited. There would be little space to place items of outdoor furniture or play equipment, so that the occupiers could enjoy the outside space of this family sized dwelling.
7. Although the appellants have raised nearby public spaces, such as the Mount, these would require an occupier to walk some distance in order to reach them. Moreover, it is unlikely that the same activities could be undertaken in a public space, to those that would be likely to occur in a private garden, making it a far less attractive option than the existing garden. Any likely benefit from increasing the internal accommodation would be outweighed by the loss of a meaningful and useable outside space. Furthermore, while there would be some improvement in access to the garden, I find the extension would not be necessary in order to achieve a similar improvement.
 8. As a result of the surrounding properties and boundary treatments the outlook from the garden, and rear of, No 4 Green Gates is very limited, primarily restricted to the east and west. As the garden is north facing, and given the relationship to nearby properties and boundary treatment, it is likely that this area would receive little sunlight.
 9. The extension would result in a projection of 0.9m over the height of the existing fence and shed, which would extend along the majority of the shared boundary with No 4. Given the restricted size of the neighbouring garden, this would be an imposing and intrusive feature causing an overbearing impact. This impact would be experienced to an even greater degree from the rear window and door as the ground floor is set below the level of the garden. Although there are windows elsewhere in the room, given its length the outlook from the rear window and door are still an important feature. As such the proposal would exacerbate the sense of enclosure within the garden and the already limited outlook from the rear door and window making both the room and garden less pleasant places to use.
 10. The extension would also be likely to have an effect, albeit limited on light during the morning reaching No 4's rear garden and rear windows. Given the already limited levels of direct sunlight likely to enter the rear garden of this property, even limited overshadowing of it would be unacceptable and would make this area less pleasant to use. However, natural light to the ground floor of No 4 is primarily provided by the south and west facing windows and so the impact of the proposal on the rear door and window would not be unacceptable.
 11. The appellant has referred to conservatories at Nos 3 and 6 Green Gates being of a similar size and having a similar impact on their respective gardens. From my site visit I was able to view what I understand to be the garden and conservatory serving No 6. It appeared that the garden is larger than that at the appeal site and that the extension covered less of this area. I was not however able to view No 3 or its extension. Nevertheless, all proposals must be considered on their own merit and these examples do not set a precedent for harmful development.
 12. No details of either the 45° or 25° sightlines, or how they should be measured have been provided to me, and so I have not been able to assess the proposal against these requirements.

13. In light of the above I conclude that the proposal would be harmful to the living conditions of the occupiers of the host property and those of No 4 Green Gates, contrary to Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy which collectively seek development to ensure a good standard of space and amenity for occupiers.

Other Matters

14. The appellant has raised that the proposal would not harm the character and appearance or setting of the Henley-in-Arden Conservation Area. Having regard to my statutory duty I am satisfied that the relationship of the appeal proposal to this heritage asset would have a neutral effect upon its setting. Harm to significance of nearby heritage assets would not occur. It is noteworthy that the Council did not raise the impact on nearby heritage assets as a concern when it refused the planning application.

Recommendation

15. For the reasons given above, and having regard to all other matters raised, I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be dismissed.

RC Kirby

INSPECTOR