



Appeal Decision

Site visit made on 22 June 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 17 July 2020

Appeal Ref: APP/T3725/D/20/3244484

2A St. Fremund Way, Whitnash, Leamington Spa, Warwickshire CV31 1AB

- 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 Jones against the decision of Warwick District Council.
 - The application Ref W/19/1512, dated 2 September 2019, was refused by notice dated 30 October 2019.
 - The development proposed is a first-floor extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of the adjoining residential properties with particular regard to outlook and light.

Reasons

Character and appearance

3. The appeal site is located off a private driveway which serves three properties on the west side of St. Fremund Way, which is part of a modern housing estate. Residential properties bound the site to both sides and the rear. The overriding topography of the land varies with the general landform rising from St Fremund Way westwards and to the south.
4. The appeal property itself is a detached two storey property with a pitched roof. The property has a single storey flat roofed extension (with a parapet wall) at the rear which is the full width of the property. It has also had a box-dormer window installed in the rear roofslope.
5. The appeal proposal is for a first-floor extension to the rear above the existing single storey extension. The proposal would have both a flat and a pitched roof. The pitched part would have two skylights and would link into the main house via a catslide style roof.
6. From my site visit I saw that the overriding character of the area is that of a modern housing estate which is formed of buildings with hipped and gabled roofs. Notable alterations in the area include the box dormer window at the appeal property and a further box dormer at 16 Beavers Brook Close. Both of these are highly visible from St. Fremund Way and Beavers Brook Close and are bulky and prominent additions to host properties.

7. Notwithstanding these flat roofed box dormers, to my mind, the first-floor flat roofed part of the first-floor extension would be seriously out of character with the host dwelling and that of the surrounding development. Whilst I acknowledge that the existing single storey extension and the dormer window also have flat roofs, the single storey element is not prominent in the streetscene whereas the appeal proposal would be. In my view, the combination of the first-floor flat roof extension and the existing box dormer window only highlights the incongruity of the design of the proposal.
8. In addition to the above, the proposal includes a cat slide roof over part of the first-floor extension, including two rooflights in the roofslope. Whilst I consider that this would not have an unacceptable impact on the character of the host dwelling (or the surrounding area) when considered in isolation, the combination of it with the flat roof element (and together with the box dormer) would result in a disjointed design which would be harmful. Therefore, in combination with the existing and proposed development, this adds to the harm I have already identified.
9. For the above reasons, the proposal would harm the character and appearance of the host property and the wider area and would conflict with Policy BE1 of the Warwick District Local Plan 2011-2029 (2017) (LP) which amongst other matters seeks to ensure that development harmonises with, or enhances, the existing settlement; and respects the scale, height, form and massing of surrounding buildings. It would also be at odds with the overarching design aims of the National Planning Policy Framework (the Framework).

Living conditions

10. The rear of the appeal site, together with the rear of the two adjoining properties, is broadly south facing. It is common ground between the main parties that the proposal would cross a '45-degree line' from the rear facing windows at the adjoining properties (2 and 4 St. Fremund Way). The Council use this guide as a method of assessing the impact on the occupiers of neighbouring properties.
11. In respect of the effect on the occupiers of No. 2, the Appellant has stated that this would breach this line by around 80cm and I have no reason to disagree with that figure. Even taking this into account, the proposal would only have a small impact over and above the existing situation given the design of the pitched roof over the eastern side of the rear extension. Given this, I consider that there would not be any significant loss of sunlight or daylight to the occupiers of No. 2 as a result of the proposal.
12. In terms of outlook, the appeal property is set at a higher land level than No. 2 and any increase in height over and above the existing extension would contribute to a loss of outlook. However, I consider that the relationship between the respective properties would not be significantly different than the relationship between the existing garage at No 4 and the appeal site prior to the erection of the rear extension. Taking this into account, I consider that the level of harm is very small and certainly not so significant to warrant the withholding of planning permission on this ground.
13. Turning to the effect of the proposal on the occupants of No. 4, there is an existing garage with a pitched roof at that property adjacent to the appeal site.

Notwithstanding that, the proposal would add a vertical element beyond the garage which would have some impact in respect of both outlook and light.

14. That said, it is clear that the proposal would only have a very limited impact in respect of both of these issues to the extent that any such impact would not be unacceptable given the position and height of the existing garage.
15. In addition to the above, I have also considered the effect of the development on the occupiers of 6 St. Fremund Way which sits perpendicular to the appeal property. Whilst it is clear that the proposal would bring the rear facing windows closer to No. 6, there would still be an acceptable distance between these windows and the rear boundary. Therefore, even with the size of the proposed window openings, I consider that there would not be a significant loss of privacy to the occupiers of No. 6.
16. For the above reasons the proposal would not have an unacceptable impact on the amenity of the occupiers of the adjoining residential properties and would accord with Policy BE3 of the LP which seeks to protect against unacceptable adverse amenity impacts of nearby residents and the similar aims of the Framework.

Other matters

17. The Appellant has also raised concerns over the inaccurate description of the development on the Councils decision notice and that they consider that the Council has not properly assessed the proposal.
18. From the evidence before me, the Councils description on their decision notice is somewhat confused as it refers to a side extension. However, the officers delegated report clearly assessed the proposal as a rear extension which is of course what the proposal is. I also note that the Council did undertake a site visit to the area, just not to within the appeal property curtilage itself. Given the exposed nature of the extension and the views possible from the surrounding roads I consider that, on balance, this was not an unreasonable approach to take. In summary, none of the other factors raised by the Appellant provide for a compelling reason why planning permission should be granted.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR