
Appeal Decision

Site visit made on 20 July 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 23rd July 2020

Appeal Ref: APP/T3725/D/20/3253431

1 Portway Close, Sydenham, Leamington Spa, CV31 1RZ

- 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 & Mrs T Dhesi against the decision of Warwick District Council.
 - The application Ref W/20/0120, dated 24 January 2020, was refused by notice dated 4 April 2020.
 - The development proposed is a side extension to form garden room.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey side extension to form a garden room at 1 Portway Close, Sydenham, Leamington Spa, CV31 1RZ in accordance with the terms of the application, Ref W/20/0120, dated 24 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2178/1/A
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) All planting shown on the approved plan shall be carried out in the first planting season following the completion of the development. The planting shall thereafter be retained with any that dies, or are removed or become seriously damaged or diseased being replaced in the next planting season with others of similar size and species.

Procedural matter

2. The description of the development that appears on the decision notice and on the appeal form is 'erection of single storey side extension to form garden room.' I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions at No 1 in terms of private amenity space provision.

Reasons

4. The appeal property is a terraced bungalow occupying a corner plot on the eastern side of Danesbury Crescent. The proposed single storey extension would occupy a significant proportion of the small walled courtyard that currently provides the only private amenity space to the property. The 11 square metres of private amenity space that would remain would fall considerably below the minimum amenity space standard of 40 square metres contained within the Council's supplementary planning document 'Residential Design Guide' (SPD).
5. However, the submitted plan shows that the open garden adjacent to the courtyard along Danesbury Crescent would be enclosed by a planted hedge and that the intervening courtyard wall would be removed. Based on the submitted drawing and the site visit, I am satisfied that this would create a private amenity space that would be significantly larger than the current walled courtyard and exceed the minimum private amenity space standard contained in the SPD.
6. For these reasons, I therefore conclude that the proposal would result in acceptable living conditions for existing and future occupiers at No1 in compliance with the SPD and policy BE3 of the Warwick District Local Plan which seeks to prevent harm in this regard.

Other matters

7. Unlike the western side of Danesbury Crescent, which is characterised by houses, the eastern side of the road is populated by short terraces of bungalows similar in design to No 1. The original layout of these bungalows included open gardens along the Crescent. However, seven of the thirteen corner bungalows along this side of the road have now enclosed their gardens along the Crescent with tall hedges to provide larger private outdoor amenity spaces. As a result, I find that the landscaping on this side of the road has changed to such an extent that the proposed enclosure of the garden at No 1 would not be out of keeping with the character of the area and so would not set a harmful precedent.
8. For the avoidance of doubt, and in the interests of proper planning, development needs to be carried out in accordance with the approved plan. In order that the materials used in the extension complement the character and appearance of the existing building, and its surroundings, matching materials are needed. To ensure that a private amenity space is created that complies with the Council's standard it is necessary that the planting shown on the approved plan is promptly carried out and retained. I have required these matters by condition.

Ian Radcliffe

Inspector