
Appeal Decision

Site visit made on 7 September 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/J3720/D/20/3254974

Cotswold Fold, 37 Telegraph Street, Shipston-on-Stour CV36 4DA

- 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 Brian Stoneley against the decision of Stratford on Avon District Council.
 - The application Ref 20/00384/FUL, dated 31 January 2020, was refused by notice dated 3 April 2020.
 - The development proposed is described as "a part retrospective single storey lean-to rear extension".
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Decision

1. The appeal is allowed and planning permission is granted for a single storey lean-to rear extension at Cotswold Fold, 37 Telegraph Street, Shipston-on-Stour CV36 4DA in accordance with the terms of the application, Ref 20/00384/FUL, dated 31 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan Drg No 03; Existing and Proposed Floor Plans Drg No 01; and Existing and Proposed Elevations Drg No 01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The extension is partially constructed as the appellant had thought it was permitted development. I have determined the appeal on this basis but the reference to the proposal being 'part retrospective' is superfluous and so I have left it out of my formal decision.

Main Issue

3. The main issue in the appeal is whether or not the proposed extension would provide adequate living conditions for the occupiers of the host property with particular regard to outdoor space.

Reasons

4. The appeal property is a mid-terrace dwelling that forms part of a small development whose rear elevations are located around a central courtyard that provides vehicular access and parking. The houses within the development and the wider area are very varied but, in this location close to the town centre, many dwellings are located on small plots, with limited outdoor space.
5. At present the property has a small rear garden. Although the proposed extension is modest in size, it would clearly reduce the size of this. Nevertheless, enough space would remain to provide a small garden for the property which would have sufficient space for both planting and seating areas. I observed that storage for bins takes place within the adjacent car port. Moreover, the space that would remain would be similar, if not larger, than that of other dwellings in the immediate vicinity. As a result, the proposal would not make the appeal site appear out of keeping or over developed.
6. The Council have highlighted that Policy D3 of the *Development Requirements Supplementary Planning Document (adopted April 2019)* (SPD) requires a 3 bedroomed dwelling to have a minimum of 50 sqm of private outdoor space. However, these are standards for new dwellings and there is no indication within the policy that the standards should be applied to determining whether or not extensions to existing houses are appropriate. Thus, I only give them limited weight.
7. The proposal would not change the number of bedrooms in the property, and the garden space provided for the original dwelling already falls well below the minimum standard set out in the SPD. From my observations it appeared that many other gardens are also likely to fall below the requirements. Given this context, this size of garden area would not appear out of character with the scale and density of the locality. Moreover, although the development would result in a small reduction in the size of the garden, the property would still retain a small but useable area of outside space.
8. Therefore, I am satisfied that the proposed extension would provide adequate living conditions for occupiers of the host property with regard to outdoor space. As a result, there would be no conflict with Policy CS.9 of the *Stratford-on-Avon Core Strategy 2011 -2031 (adopted July 2016)* or Policy ENV3 of the *Shipston on Stour Neighbourhood Development Plan (2016 – 2031) (made October 2018)* which seek to ensure a good standard of space and amenity for occupiers and that developments are of a density and scale that reflect the surrounding development.

Other Matters

9. The site is located within Shipston-on-Stour Conservation Area. The Council has indicated that it considers that the siting, design and proposed materials are such that the extension would not be detrimental to the character and appearance of the conservation area. Nothing I have seen or read leads me to come to a different conclusion in this respect. Consequently, I am satisfied that the proposal would preserve the character and appearance of the heritage asset.
10. No 39 lies to the north of the appeal property and is at a slightly lower level. The modest size of the extension means that, although visible from this

adjacent property, it would not have an overbearing impact. In addition, any loss of light would be limited, especially as two windows /doors serve the room at the rear of the house.

Conclusion and Conditions

11. For the reasons set out above, I conclude the appeal should be allowed.
12. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension.

Alison Partington

INSPECTOR