



Appeal Decision

Site visit made on 27 October 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2020

Appeal Ref: APP/J3720/D/20/3258810

5 Hurst Road, Southam, Warwickshire CV47 1HY

- 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 Asa Savage against the decision of Stratford on Avon District Council.
 - The application Ref 20/01372/FUL, dated 28 May 2020, was refused by notice dated 24 August 2020.
 - The development proposed is the erection of a two-storey side extension, single storey rear extension and the demolition of a single storey outbuilding to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two-storey side extension, single storey rear extension and the demolition of a single storey outbuilding to the rear at 5 Hurst Road, Southam, Warwickshire CV47 1HY in accordance with the terms of the application, Ref 20/01372/FUL, dated 28 May 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 plans: 2003-05 PL-1; 2003-05 PL-4 revision A and 2003-05 PL-5.
 - 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.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of 7 Hurst Road with particular regard to light and outlook.

Reasons

3. The appeal property is a semi-detached chalet style dwelling with a driveway to the side leading to a detached outbuilding. The adjoining (detached) property, 7 Hurst Road, is set at a slightly lower land level and has a driveway to the side. No.7 also has a single storey extension at the rear and a side facing kitchen window.
4. The appeal proposal would result in the side extension being located broadly on the common boundary. The Council have indicated that this would be around

2.4 metres away from the kitchen window at No.7. From the evidence before me, the extension at No.7 has created an open plan kitchen area, albeit with an enclosed utility room element which in effect has resulted in an 'L' shaped room. The main kitchen window is therefore the side facing window, although there are bi-fold doors to the rear elevation which would allow for a great deal of light to enter the room.

5. The Council have drawn my attention to the guidance contained within the Councils Development Requirements Supplementary Planning Document - Part F: Residential Amenity (April 2019) (SPD) which sets out that the Council will use a 45/25 degree test to ascertain whether the resultant amount of light reaching neighbouring windows is likely to be acceptable.
6. However, the SPD also sets out that neighbours' side facing windows on adjoining properties which get their light across another properties land will not normally be given the same degree of protection as front and rear facing windows and that these cases will be judged on their individual circumstances.
7. In this case, the proposal would invariably result in the loss of some daylight. However, given that there are also the bi-fold doors to the rear elevation I consider that this would not be so significant to warrant the withholding of planning permission on this ground.
8. Turning to matters of outlook, the existing boundary fence and dwelling already restrict views from the kitchen window. Whilst the extension would give rise to some further restriction of these views, given the chalet style of the host property and the position of the kitchen window towards the rear of the property there would still be some clear views of the sky, albeit at an angle. Taking this into account, I consider that such an impact is not unacceptable.
9. For the above reasons the proposal would not significantly harm the living conditions of the occupiers of No.7 in accordance with Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy 2011-2031 which amongst other matters seek to ensure that development is of a high quality design which does not unacceptably affect the occupiers of neighbouring properties by loss of light and adverse surroundings, including overbearing impacts.

Conditions

10. The Council has provided a list of suggested conditions in their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to matching materials is also necessary.

Conclusion

11. For the reasons given above, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR