



Appeal Decision

Site visit made on 26 October 2020 by Andreea Spataru BA (Hons) MA

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2020

Appeal Ref: APP/T3725/D/20/3257058

37 Shakespeare Avenue, Warwick CV34 6JS

- 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 Allison against the decision of Warwick District Council.
 - The application Ref W/20/0201, dated 6 February 2020, was refused by notice dated 26 May 2020.
 - The development proposed is a first floor side extension over existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension over existing garage at 37 Shakespeare Avenue, Warwick CV34 6JS in accordance with the terms of application Ref W/20/0201, dated 6 February 2020 and subject to the following conditions:
 1. The development hereby permitted shall begin no 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: existing and proposed plans 21/1/20 Rev B.
 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.

Appeal Procedure

2. The site visit was undertaken 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 is the effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site relates to an end of terrace, two-storey dwelling located within a residential area, which is largely defined by a mix of semi-detached and terraced properties. The appeal dwelling has a single storey garage to the side, which fills in the gap between the dwelling and the eastern side boundary.
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5. The neighbouring property, No 35, is located immediately to the east of the appeal site. This dwelling occupies a corner plot, is sited at an angle in relation to the appeal dwelling, and projects beyond the front elevation of No 37.
6. Warwick District Council Residential Design Guide May 2018 (RDG) states that two storey extensions built up to a common boundary will normally not be permitted. It also suggests a separation distance of at least 1m should be provided between a two-storey side extension and a common boundary in order to avoid a terracing effect.
7. The proposed first-floor side extension would have the same width as the existing garage and would be slightly set back from the front elevation. The extension would have a hipped roof and would be set down from the main ridge. The first-floor side extension would not comply with the requirement of the RDG regarding the 1m set in from the side boundary. However, given its siting in relation to the host dwelling, and the position of No 37 in relation to No 35, the two-storey side extension would not result in a terracing effect. I also note that the relevant wording in the RDG allows for a degree of flexibility in terms of building to the common boundary.
8. Accordingly, I conclude that the appeal development would not adversely affect the character and appearance of the area. Therefore, the development would not conflict with Policy BE1 of the Warwick District Local Plan 2011-2029, which requires, amongst other things, that developments contribute positively to the character and quality of its environment through good layout and design.

Conditions and Recommendation

9. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area, a condition that specifies that matching materials are used in the development is necessary. These conditions have also been suggested by the Council in the event that the appeal was allowed.
10. Whilst I have taken into account the Warwickshire County Council Ecology comments regarding the protection of bats, there is no substantive evidence before me to indicate that the proposal would have a negative impact in this regard.
11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

K Taylor

INSPECTOR