



Appeal Decision

Site Visit made on 30 November 2020

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2020

Appeal Ref: APP/T3725/D/20/3261079

5 Tilsley Close, WARWICK, CV34 7BG

- 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 Ms Heath against the decision of Warwick District Council.
 - The application Ref W/20/0622, dated 25 April 2020, was refused by notice dated 27 July 2020.
 - The development proposed is Construction of garden studio.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of 7 Tilsley Close (No 7) with particular respect to loss of daylight, sunlight and outlook.

Reasons

3. Tilsley Close is a short cul-de-sac within a large housing estate that is nearing completion. The street consists of detached two-storey dwellings with double garages set back behind the rear building line. The properties are arranged around a slight curve in the highway. Consequently, the rear elevation of No 7 partly faces the side boundary of the appeal site. Furthermore, Tilsley Close follows a gradient. As a result, the garden of No 7 is around 1.5-2 metres lower than the garden of the appeal site. Therefore, the rear and side boundary of the neighbouring garden includes a large retaining wall and a close boarded boundary fence above. During my visit I observed that the rear elevation of No 7 had six windows, five of these appeared to serve habitable rooms. The appellant's existing garage would therefore be a large and dominant feature within the neighbour's outlook from their rear windows.
4. The proposal would add a rear extension to the garage. This would have a similar sized footprint and would fully extend to the rear and side boundary of the appellant's garden. The proposed extension would be relatively close to the neighbour's rear elevation. The effect would be slightly reduced due to the proposed hipped roof on the rear elevation and being around 8 metres from the rear windows. Furthermore, the Council's 45-degree Guideline¹ states that its application would be dependent on individual site circumstances and would not necessarily be of overriding consideration. However, the proposal and especially its roof, would create an extension of substantial mass adjacent to

¹ Warwick District Council 'The 45 degree Guideline' Supplementary Planning guidance 2005

the boundary. The significant height differential, between the garage and neighbour's windows, would result in a particularly acute relationship. As such, this relationship would result in the proposal having a demonstrable and harmful impact on the outlook of the neighbouring occupiers.

5. The proposed extension would be to the north of the neighbour's rear elevation. As a result, access to sunlight would be largely unaffected by the proposed scheme. A limited level of sunlight may be affected in the late afternoon. However, this would only marginally affect the rearmost part of the garden of No 7. Consequently, due to the distance and general scale of the proposal, the scheme would only have a negligible effect on access to daylight or sunlight.
6. The location plan shows many garages that are set back into gardens that would have an impact on the outlook of neighbours. However, it is unconvincing that the specific plot numbers mentioned in evidence illustrate a comparable context with a combination of a substantial change in levels and the same proximity and scale of development.
7. The appellant refers to the effect of a possible replacement boundary wall being of greater impact than the proposal. However, it is not in evidence that such a fall-back position exists. In any event, I do not concur that such an effect would be more harmful. This has therefore been afforded limited weight in my consideration of the appeal.
8. Accordingly, the proposal would result in significant harm to the outlook of No 7. This would be contrary to policy BE3 of the Warwick District Local Plan 2011-2029 (2017). This states that development will be refused if it would have an unacceptable adverse impact on the amenity of nearby residents. Furthermore, the proposal would not satisfy the Council's 45-degree Guideline, which seeks to avoid an unreasonable effect on neighbouring properties.
9. For the above reasons the appeal does not succeed.

Ben Plenty

INSPECTOR