
Appeal Decision

Site visit made on 9 December 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th December 2020

Appeal Ref: APP/Y2810/D/20/3259523

16 Ashleigh Close, Barby CV23 8UG

- 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 Paul Merriman against the decision of Daventry District Council.
 - The application Ref DA/2020/0097, dated 31 January 2020, was refused by notice dated 25 June 2020.
 - The development proposed is described as "extension to rear elevation with new roof to whole dwelling (bungalow) with dormer roofs to facilitate loft conversion extension and extension to detached garage with new roof".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 18 Ashleigh Close in respect of privacy.

Reasons

Character and appearance

3. The appeal property is a bungalow which falls within a residential cul-de-sac and on a side of the road where there is a pleasing consistency to the design and height of such properties, some of which are positioned with either the pitched gables facing the road or with the longer elevations facing the road. On the other side of the road, there is a regularity of larger two storey brick built detached dwellings. Between the bungalows there are flat roofed garages which are subservient in scale and which further emphasise the consistency of design and appearance to the development on this side of the street. Indeed, the bungalows and garages provide a soft edge against the adjacent open countryside.
4. Overall, the impression one gets when driving into the cul-de-sac is an area that has been deliberately planned in design terms. Collectively, the aforementioned attributes add positively and distinctively to the character and appearance of the area.

5. The proposal would significantly increase the overall height and massing of the appeal dwelling. Indeed, an additional floor of accommodation would be provided as a result on the roof lift and dormers. Whilst I acknowledge that the bungalow is in the corner of the cul-de-sac, it is nevertheless seen in the context of the neighbouring bungalows lining the street, particularly when driving into the cul-de-sac. The existing low roof of the garage and the dwelling is particularly noticeable at this point given that the land falls downwards towards the cul-de-sac turning head.
6. In the context of the uniform character and appearance of the bungalows on this side of the street, I consider that the proposed roof alterations to the house and the garage would appear bulky and dominant. Indeed, such development would significantly detract from the otherwise low profile roofscape formed by the existing bungalows and garages.
7. I note the appellant's comment that the resultant height of the appeal dwelling would be no higher than the dwelling at the top of the cul-de-sac. Whilst that might be the case, the proposal would nevertheless fail to appreciate the positive street-scene effect afforded by the uniformity of height of the existing bungalows which follow the sloping nature of Ashleigh Close.
8. Whilst the inclusion of dormers to the rear roof slope would not be a design feature that is prevalent in the locality, this in itself would not cause any material harm to the street-scene given their inconspicuous position. However, this is not a matter which would alter or outweigh my concern relating to the increase in the overall height and massing of the dwelling and the garage.
9. I therefore conclude that the proposal would cause significant harm to the character and appearance of the area. It would therefore fail to accord with the design requirements of policy ENV 10 of the Settlements and Countryside Local Plan (Part 2) 2020 (LP); policies BO-GP1 and BO-D1 of the Barby and Onley Neighbourhood Development Plan 2016 (NDP); the Council's Designing House Extensions SPG 1997 (SPG) and paragraph 127 (a-d) of the National Planning Policy Framework (the Framework).

Living conditions

10. The point of dispute between the main parties relates to the position of the proposed large window in the north facing side elevation in respect of potential overlooking of the rear garden of No 18 Ashleigh Close.
11. There is a staggered relationship between the appeal dwelling and No 18 Ashleigh Close and consequently any overlooking of this neighbouring garden would be at a slight angle and towards its bottom end. Whilst it is not uncommon to overlook gardens in urban settings, it is reasonable that I take into account the fact that the existing appeal property is a bungalow, and hence that the rear garden of No 18 Ashleigh Close is not currently overlooked given the absence of first floor windows. In this context, and on balance, I consider that some limited harm would be caused to the private enjoyment of the rear garden of No 18 Ashleigh Close, taking into account the large size and position of the proposed first floor window on the proposed north facing side elevation.

12. I therefore conclude that there would be some limited conflict with the amenity requirements of policy ENV 10 (viii) of the LP; policy BO-GP1 of the NDP; the SPG and paragraph 127 (f) of the Framework.

Conclusion

13. For the reasons outlined above, I conclude the appeal should be dismissed. I acknowledge that in refusing planning permission it would mean that the appellant was denied the opportunity to increase floorspace. However, the Council has indicated that there may be other opportunities to increase floorspace such as extending further into the rear garden. In this case, a refusal of planning permission is a proportionate and legitimate response to the need to protect the character and appearance of the area and, to a limited extent, the living conditions of the occupiers of No 18 Ashleigh Close.

D Hartley

INSPECTOR