



Appeal Decision

Site visit made on 8 December 2020

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/T3725/D/20/3253224

129 Warwick New Road, Leamington Spa CV32 6AB

- 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 George Scott against the decision of Warwick District Council.
 - The application Ref W/20/0121, dated 24 January 2020, was refused by notice dated 5 March 2020.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 129 Warwick New Road, Leamington Spa CV32 6AB in accordance with the terms of the application Ref W/20/0121, dated 24 January 2020.

Main Issue

2. The main issue in this appeal is the effect of the single storey extension on the living conditions of the adjacent residents.

Reasons

3. The appeal property is a semi-detached property located in a residential area. It was apparent from my site visit that the extension is constructed and I understand that a recent appeal for a Lawful Development Certificate has been dismissed.
4. The rear extension is raised in height as the rear garden is split level and the extension is located on what would be the higher patio area. The Council's Supplementary Planning Document (SPD) – Residential Design Guide (adopted May 2018) includes a 45 degree guidance to protect the living conditions of adjacent occupiers but site circumstances will be taken into account and the 45 degree guideline is not necessarily the overriding consideration.
5. I have considered the SPD guidance against the siting and massing of the extension. The extension would be visible from both adjacent properties, but there is some mitigation on both sides via tall boundary treatments but I noted that the extension is still visible, even though it is set in from the boundary with both properties.

6. The extension itself would appear modest in comparison to the existing dwelling and would not appear incongruous from a design perspective as it follows the design principles of the existing dwelling. The proposal would not be visible within the street scene, nor would it be overbearing in the locality. In conclusion, it would not cause harm to the character and appearance of the area.
7. I acknowledge that the extension, close to the boundary with No 127, would be a more prominent feature, but the orientation of the windows to both properties draw the outlook toward the rear garden and beyond. Therefore, while the proposal would result in some additional sense of enclosure to the appropriate side of the adjacent properties, I find that the wider outlook from the rear windows is not significantly compromised as a result of the extension.
8. The main outdoor seating areas to the adjacent properties are situated away from the boundary, and I consider that any additional sense of enclosure would be very localised, and not have significant implications for the living conditions of the neighbouring residents with regard to the enjoyment and use of the wider garden area.
9. I find that the site circumstances and siting of the extension lead me to the conclusion that whilst the extension may breach the 45 degree guidance set out in the SPD, the harm caused is not of a level that would materially harm the living conditions of the adjacent residents and on an individual case basis, I conclude that the height, depth and location of the single storey extension would not have an unacceptable impact on either adjacent resident.
10. Notwithstanding all other considerations, the Council have raised no objections to the design of the extension or any impact on the character and appearance of the area. I find no reason to disagree with the Council's conclusion on those matters.
11. Therefore, despite the numerical clash with the SPD, I conclude that there is no conflict with Policy BE3 of the Warwick District Local Plan (adopted 2017) which aims to prevent adverse impact on the amenity of nearby uses and residents.

Conditions

12. As the proposal is in fact retrospective, and the Council have not suggested any conditions, I find there is no reason to impose conditions on the development.

Conclusion

13. For the reasons set out the appeal is allowed.

Paul Cooper

INSPECTOR