



Appeal Decision

Site Visit made on 19 January 2021 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/J3720/D/20/3262396

8 Hammond Green, Wellesbourne, CV35 9EY

- 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 Steve Kapoor against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/00893/FUL, dated 27 March 2020, was refused by notice dated 18 August 2020.
 - The development proposed is described as 'revised application to increase width of the dormer (Retrospective) Approved planning application 19/03584/FUL'.
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Decision

1. The appeal is allowed, and planning permission is granted for revised application to increase width of the dormer at 8 Hammond Green, Wellesbourne, CV35 9EY in accordance with the terms of the application, Ref 20/00893/FUL, dated 27 March 2020, subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the location plan, Drawing No. 20-006/07/01, Drawing No. 20-006/07/02 Revision B and Drawing No. 20-006/07/03 Revision B.

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.

Applications for Costs

3. An application for costs was made Mr Steve Kapoor against Stratford-on-Avon District Council. This application is the subject of a separate Decision.

Preliminary Matters

4. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. In particular I note that the amended description makes reference to 'Loft conversion, erection of dormer to the back and 4no. roof lights to the front (retrospective)'. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Moreover, I note that since the refusal of the planning permission for the appeal development permission has been granted for four rooflights. Accordingly, I have used the description given on the original

application form but have removed '(Retrospective) Approved planning application 19/03584/FUL' as this is superfluous.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property and the surrounding area.

Reasons

6. The appeal site is situated on a modern housing estate. The host property comprises a detached house located within a group of similarly designed buildings, with gabled roofs being a feature of the locality. They are set a modest distance back from the road and utilise a similar palette of materials.
7. Both parties agree that the dormer would be approximately 1.2 m longer, 0.4 m deeper and 0.4 m higher than originally approved. Notwithstanding the increased dimensions I find that the dormer remains set back from the eaves, is below the ridge, and is inset from the gables of the host property. Consequently, the resultant development is not materially different to that previously found to be acceptable by the Council.
8. Furthermore, given the location, materials, and volume of the dormer I am satisfied that it has no greater impact on the character and appearance of the area over that previously found acceptable by the Council when it granted permission for a smaller rear dormer on the site.
9. In light of the above, I conclude that harm to the character and appearance of the host property and the surrounding area has not occurred as a result of the development. Consequently, there is no conflict with Policy CS.9 of the Stratford-on-Avon Core Strategy 2011-2031 and Policy WW9 of the Wellesbourne and Walton Neighbourhood Plan (Made Version Plan Period 2016 – 2031) which jointly support high quality design that is sensitive to its setting.

Other Matters

10. In my deliberations I have considered the matters raised by local residents and the Parish Council. Whilst not endorsing the carrying out of development which does not accord with approved plans, I am required to consider this appeal on its own merits. Furthermore, whilst acknowledging that objections have been made by neighbouring occupiers with regards to potential overlooking, and other activity associated with the occupation of the appeal property, I find that the development before me would have no greater impact on nearby occupiers' living conditions than the scheme already found to be acceptable by the Council. Accordingly, the appeal does not fall on this matter.

Conditions

11. The Council has indicated that in the event that the appeal was allowed they would not wish any conditions to be imposed.
12. Although the development is complete, a condition is required to ensure that it is in accordance with the approved plans, for certainty.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to the condition set out above.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

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

RC Kirby

INSPECTOR