



Appeal Decision

Site visit made on 9 March 2021

by D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/J3720/D/20/3261900

31 New Street, Tiddington CV37 7DA

- 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 & Mrs D & L Hopkins against the decision of Stratford on Avon District Council.
 - The application Ref 20/00754/FUL, dated 11 March 2020, was refused by notice dated 31 July 2020.
 - The development proposed is rear single storey extension with metal railings.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the consideration of the application the development was amended to reduce the height of the development and set it in from the boundary. The Council has considered the proposal on this basis and so shall I.
3. The appellant has provided an OS Plan and Plan Ref 19:1261/2D with the appeal. Plan Ref 19:1261/2D shows amendments to reflect the position of a boundary wall and ground levels in relation to a neighbouring property. As they do not significantly amend the nature of the development, I have had regard to the plans in determining this appeal.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No 29 New Street with particular reference to whether or not it would be overbearing.

Reasons

5. The appeal proposal is a single storey rear extension projecting approximately 5m from the rear of the existing rear wall of the appeal site dwelling. Based upon the detailed plans, due to a raised terrace or patio area there is an approximately 0.4m increase in land level at No 31 in relation to that of No 29. The boundary wall provides some screening between the two properties, however the proposed development would be visible significantly above this, even if it was increased to 2m as suggested by the appellant.
6. The development would be close to a significant proportion of the garden of No 29 much of which comprises a patio area. This part of the garden closest to

the dwelling is an area that is likely to be frequently used and traversed, contributing significantly to the enjoyment of the private outdoor space and to the living conditions of the occupiers of No 29. The development would result in a significant increase in built development at the appeal site when viewed from No 29. By reason of its combined depth, height and proximity, the development would result in a dominant feature creating a significant sense of enclosure from a significant part of the rear garden of No 29. As a result of this, it would be overbearing, such that it would result in a harmful effect upon the living conditions of the occupiers of No 29.

7. I have noted that no objections have been received from neighbouring properties, however this in itself, cannot be taken as a measure of a development being harmful or not harmful. Furthermore, as the occupancy of dwellings is transient over time, what may be tolerable to one occupier, may not be tolerable to another.
8. For the reasons set out above the development would have a harmful effect upon the living conditions of the occupiers of No 29 as a result of being overbearing. Therefore, it fails to comply with Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy (2016) and Policy H5 of the Stratford-upon-Avon Neighbourhood Development Plan (2018). In combination these policies expect development shall not significantly impact upon the amenities of neighbouring properties, ensures a good standard amenity for neighbouring occupiers and that they are protected from adverse surroundings, including with reference to overbearing impacts.

Other Matters

9. The Council concluded the development would not detract from the appearance of the host building or the wider street scene, and there is no objection in respect of other living conditions of neighbouring occupiers or archaeology. These are neutral matters attracting neutral weight. It would provide improved accommodation and based upon the evidence before me would meet the expectations of relevant parts of policies including the National Planning Policy Framework (2019) (the Framework) in respect of matters such as a low carbon future, improving resilience and the use of resources. However, the benefits of the development are small and do not mitigate or outweigh the harm set out above.

Conclusion

10. The proposed development would conflict with the development plan taken as a whole and there are no other considerations advanced, including the policies of the Framework that indicate the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR