



Appeal Decision

Site Visit made on 8 June 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/J3720/W/21/3270207

13 Kineton Road, Wellesbourne CV35 9NE

- 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 Alf Rajkowski against the decision of Stratford-on-Avon District Council.
 - The application Ref 20/03248/FUL, dated 16 November 2020, was refused by notice dated 2 February 2021.
 - The development proposed is conversion of ancillary residential building to self-contained dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. 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. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issue

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development upon the living conditions of the occupiers of 13 Kineton Road with regard to garden size and overshadowing; and
 - Whether the proposed development would provide adequate living conditions for future occupiers with regard to amenity space.

Reasons

Character and appearance

4. The appeal site is formed of a single storey outbuilding positioned within the rear amenity space of No.13 - a two storey semi detached dwelling. Immediately to the rear of the dwelling is an area of amenity space almost entirely enclosed from the remainder of the amenity space. The outbuilding by contrast has a large gravel area in front and to the side of it, with a patio

- extending around the building and a small grassed area to the front. Whilst the outbuilding is located within the rear amenity area it is clearly visible from the street.
5. This section of Kineton Road is characterised by linear development along the road frontage, albeit there is no established building line. Due to commercial and community uses nearby the area varies in terms of property design, garden size, plot size and shape and density.
 6. I acknowledge that the appeal building is located within the rear garden of No.13 and is set back further from the road compared to nearby buildings. However, due to the noticeable gap between Nos. 13 and 13a it is clearly visible and is an established part of the street scene.
 7. Despite the largely linear arrangement of houses along Kineton Road the proposal would have very little impact on the character and appearance of the area and would not unacceptably upset the established pattern of development. The building's appearance, the access arrangements and external area would largely remain unaltered. The effect of the proposal when viewed from the public realm would not be noticeable.
 8. As such, I am satisfied that the proposed development would not unacceptably harm the character and appearance of the area in accordance with Policies CS.9 and AS.10 of the Stratford on Avon District Core Strategy (2016) (CS) which, amongst other things, requires proposals to be sensitive to the setting and existing built form of the site and locality.
 9. It would also accord with Policy WW9 of the Wellesbourne and Walton Neighbourhood Plan (2018) which, amongst other things, requires housing to respect building lines and boundaries and layouts that are sensitive to adjacent properties.
 10. I note the Council have referred to Policy CS.5 in the first reason for refusal, however as it relates to landscape character and quality, I find that with specific regard to this appeal I have given it negligible weight in coming to my decision.

Living conditions for existing occupiers

11. The proposal would result in the subdivision of the existing amenity space between No.13 and the proposed dwelling. The amenity space for No.13 would fall below the garden area for a two-bedroom house set out in the Development Requirements Supplementary Planning Document (SPD). However, this shortfall would be marginal.
12. Whilst the amenity space would be a usable size and shape, its position in close proximity to the scale and bulk of the host property and No.15 would have a significant adverse impact in terms of overshadowing, irrespective of the outlook, diminishing the living conditions of occupiers. I note that formal green spaces are located nearby but this does not compensate for the inadequate amenity space proposed.
13. Whilst the appellant has indicated there is potential for a sun terrace and has provided a plan showing a landscaping scheme for No.13 these matters have not been considered by the Council at application stage. In the interests of fairness, I must ensure that what is considered at appeal is what was

considered by the Council and therefore I have not taken this information into account.

14. Consequently, the proposed development would have a significant adverse impact on the living conditions of the occupiers of No.13 with regard to overshadowing contrary to CS Policies CS.9 and AS.10 which, amongst other things, seek to ensure a good standard of space and amenity for occupiers and to minimise the impact on the occupiers and users of existing properties in the area.

Living condition for future occupiers

15. I note from the submitted plans that the proposed amenity space would be in the form of a patio area located to the rear of the dwelling and a lawned area to the front of it with pleached trees along two sides.
16. I acknowledge that the proposed amenity space would comfortably exceed size requirements set out in the SPD. I also note that the two spaces would be linked resulting in a practical and usable space in terms of its overall size and shape.
17. However, the position, height and proximity of the building and the boundary treatment would create a sense of enclosure and would overshadow the rear patio area resulting in an unduly oppressive outdoor space, despite it being private. In addition, the position of the lawned area and the close proximity of neighbouring properties would mean it would be directly overlooked. This close spatial relationship would result in an oppressive environment for future occupiers with limited privacy or relief from neighbouring properties.
18. Whilst the trees would screen the lawned area, there is no substantive evidence to indicate they would remain for the lifetime of the development such that they would continue to screen it. A condition requiring retention of the trees to screen the site would be difficult to enforce. Whilst a condition relating to landscaping could be imposed there is no certainty that it would mitigate the harm identified.
19. I conclude that the proposed development would not provide adequate living conditions for future occupiers with regard to amenity space contrary to CS Policies CS.9 and AS.10 which, amongst other things, seek to ensure a good standard of space and amenity for occupiers.

Other Matters

20. My attention has been drawn to other developments in the area which the appellant considers are relevant to the appeal. The circumstances in each proposal are likely to be different and, in any event, it is incumbent upon me to assess the merits of the proposal before me, as I have done. As such, the presence of these developments does not justify a scheme that I have found to be harmful.
21. The proposal would be located within an accessible location close to services and facilities, it would result in a more efficient use of land and tenants or elderly residents may well prefer smaller low maintenance gardens. These factors would not outweigh the harm that I have identified. The absence of harm in respect of the impact upon the living conditions of neighbouring occupiers counts neither for nor against the proposal.

22. I acknowledge that the proposal would provide a smaller house, but I am not aware of a pressing need for such housing locally and does not lead me to reach a different overall conclusion.

Conclusion

23. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR