



Appeal Decision

Site visit made on 12 July 2021 by Darren Ellis MPlan

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2021

Appeal Ref: APP/T3725/D/21/3272574

13 North Close, Cubbington, CV32 7NN

- 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 Robert Smith against the decision of Warwick District Council.
 - The application Ref W/20/1732, dated 24 October 2020, was refused by notice dated 29 January 2021.
 - The development proposed is a first floor side extension over existing garage, providing additional space for a lift and wetroom.
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Decision

1. The appeal is dismissed.

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.
3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. The comments received have been taken into consideration in my assessment of this case.
4. During the original application, amended elevations and floor plans were submitted and were the basis of the Council's decision. Both the original and amended drawings have been provided with the appeal submission. For clarity, I have considered the amended drawings when making my recommendation.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the existing dwelling and the street scene.

Reasons for the Recommendation

6. North Close primarily consists of a mix of detached and semi-detached dwellings. The detached dwellings, including the appeal dwelling are constructed to a similar design, including gable walls that face the street, and some dwellings have been extended. The semi-detached properties are constructed to a different design, although all the properties in the street are
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finished with similar materials. Overall, the properties in the street have a cohesive appearance and rhythm.

7. Although the width of the gable feature of the new extension would reflect that of nearby dwellings, the overall width and detailed design of the first floor extension would result in a prominent, bulky, awkward addition with a large area of flat roof which would not respect the character or appearance of the host dwelling or the wider street scene. The incongruity of the extension would be particularly prominent when viewed from the nearby footpath and from nearby properties.
8. I note that No 6 has a similar front gable extension to the one proposed, however the overall width of the extension at No 6 is less as it does not have the section that is proposed to be set back by 450mm. No 8 also has a first-floor extension above the garage which projects forwards of the front elevation, although it also is not as wide than the appeal proposal. These extensions are therefore of considerably less scale and massing than the appeal proposal. Furthermore, the gable extension at No 6 does not have a flat-roof element and therefore is in keeping with the roof forms in the street.
9. I therefore conclude that the proposed extension would cause harm to the character and appearance of the existing dwelling and the street scene, in conflict with policy BE1 of the Warwick District Local Plan (September 2017), which requires development to harmonise with the existing physical form and to respect surrounding buildings in terms of scale, form and massing. The proposal would also conflict with the guidance in section 8 of the Residential Design Guide (May 2018) which requires, amongst other matters that extensions relate to the design of the original building with matching roof shape and pitch and are subservient to the existing property. Furthermore, there would be conflict with the aims of section 12 of the National Planning Policy Framework, and in particular paragraphs 130 b) and c) which require development to be visually attractive and sympathetic to local character.

Other matters

10. I note that the proposal would assist with meeting the needs of the disabled occupant, and indeed any future occupants with mobility impairments. I must have due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age.
11. I do not doubt that the proposals would facilitate better movement around the property. Nonetheless, this must be balanced with the significant adverse impacts of the proposal identified earlier. I am not persuaded that there are no alternatives to the proposal, including amended internal ground and first floor layouts or other forms of extension, that could deliver substantially the same benefits without conflict with the development plan. Therefore, while I acknowledge the personal circumstances of the appellant and his family, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of the main issue.

Conclusion

12. For these reasons, I find that the proposal conflicts with the development plan taken as a whole and there are no other material considerations to indicate that a decision should be made other than in accordance with the development plan. I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

RC Kirby

INSPECTOR