



Appeal Decision

Site Visit made on 9 November 2021 by G Sibley MPLAN MRTPI

Decision by B J Sims BSc (Hons) CEng MICE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/T3725/D/21/3281009

Three Jays, Hampton Road, Hampton-on-the-Hill, Budbrooke, CV35 8QR.

- 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 Ray Wilson against the decision of Warwick District Council.
 - The application Ref W/20/2008, dated 30 November 2020, was refused by notice dated 25 May 2021.
 - The development proposed is single storey extension to the front of the existing dwelling.
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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.

Preliminary Matters

3. The appeal property lies within the Warwickshire Green Belt. Within its report, the Council concluded that the proposal would not result in a disproportionate addition to the original building. Based on the evidence before me, I have no reason to find differently in this regard. Accordingly, the proposal would not amount to inappropriate development in the Green Belt as described in paragraphs 147 to 151 of the National Planning Policy Framework (the Framework).
4. On 20 July 2021 the Government published a revised version of the Framework. The main parties have had the opportunity to make submissions in respect of the 2021 publication. Any comments received have been addressed in this recommendation.

Main Issues

5. The main issues are: the effect of the proposed development upon the character and appearance of the host dwelling and the street scene; and whether the personal circumstances of the appellant's wife outweigh any harm in respect of the development proposed.

Reasons for the Recommendation

Character and appearance

6. Three Jays is a two-storey detached property, with a pitched roof, set back from the roadside behind a large front garden and driveway. Three Jays is located within a group of similar dwellings, in terms of scale and layout, albeit the appearance of these dwellings varies.
7. The dwelling has a small front porch that has a flat roof, and the proposed extension would connect to this porch but would extend out beyond it to create a new entrance hall and bedroom with an en-suite bathroom. The existing porch is shallow and, as a result, it is subordinate in both scale and appearance to the host dwelling. The proposed extension would be considerably larger than a typical porch and would not be viewed as such from the roadside. The proposed extension would create an overbalanced addition to the front of the house, that would extend across over half its width. Whilst the extension would be single storey, its depth and flat roof would appear incongruous, situated in front of the main two-storey element of the house.
8. While the neighbouring dwelling has a garage that is similar in depth to the proposed extension, it is significantly narrower. Garages located to the front of dwellings are not unusual within the wider area, whereas the proposed extension would evidently be viewed as part of the house and the scale of it would fail to respect the proportions of the dwelling. Where front extensions have been built locally, they have typically been shallower than the proposed extension, with mono pitched roofs to match the roof pitch of the host dwellings.
9. Whilst the flat roof of the proposed extension would be a continuation of the existing flat roofed porch, the Residential Design Guide Supplementary Planning Document (SPD) (2018) states that flat roof extensions on traditional pitched roof detached dwellings would be inappropriate as they would fail to relate to the design of the original dwelling. Whilst the SPD was referring to side extensions, the purpose of the advice is still relevant to the proposal before me, given the scale and siting of the proposed extension.
10. Consequently, the scale and siting of the proposed extension would be a discordant addition to the dwelling and would harm its character and appearance. Additionally, given the scale of the extension, the proposed flat roof would appear incongruous alongside the mono pitched roofs on the front extensions within the street scene. Therefore, the proposal would cause harm to the character and appearance of the dwelling and the street scene and would conflict with Policy BE1 of the Warwick District Local Plan 2011-2029 (adopted 2017) as well as Policy BNDP 7 of the Budbrooke Neighbourhood Development Plan 2018 to 2029 (Made 2018). These policies require, amongst other matters, that development positively contribute to the character and quality of its environment. Moreover, the proposal would be contrary to the Framework insofar paragraph 130 states that development should be visually attractive as a result of good architecture. Furthermore, the proposal would conflict with the advice contained within the SPD.

Personal circumstances

11. The proposed extension would create a more adaptable living area on the ground floor of the building which would allow the appellant's wife to live on the ground floor. I recognise this as a material consideration, given the circumstances related to the appellants wife's health concerns that the extension would address now and into the future. The proposal would enable the appellant's wife to continue to live in the community and the extension is proposed to achieve Lifetime Homes standards. These are considerations that weigh in favour of the proposal.
12. Whilst I note the evolving needs of the appellants wife, there is insufficient evidence considering how else the property could potentially be extended or reconfigured to achieve her needs. There is also no substantive evidence to confirm whether there are insufficient properties available locally that could meet the ongoing needs of the appellant and his wife. These matters weigh against the proposal.
13. There would be modest economic benefits derived during the construction of the extension and there would be no harm caused to the living conditions of the neighbouring occupiers, but this matter carries neutral weight.
14. If planning permission were to be refused, the appellants wife would continue to live in the property, but the configuration of the property would not be ideal for their evolving health concerns. They would have no certainty about the future, and this would represent an interference with their home life and with their property. However, there is insufficient evidence in respect of alternative schemes or dwellings to weigh in favour of the appeal scheme or to outweigh the significant harm that would be caused by the development to the character and appearance of the dwelling as well as the street scene. Having regard to the legitimate and well-established planning policy aims insofar as they relate to character and appearance, a refusal of permission would be proportionate and necessary. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010 and conclude that the dismissal of this appeal would not unacceptably violate the family's rights under Articles 1 and 8.

Other Matters

15. The appellant has referred to a number of front extensions that have been approved by the Council. In most cases only the floor plans have been provided which in a case that rests on character and appearance does not allow for comparison of the design of such extensions. Furthermore, the Officer's reports for these applications were not submitted and therefore I have not been made aware of the circumstances of each case. Additionally, each case must be assessed on its own merits and the approval of front extensions elsewhere does not justify the proposal before me.
16. It is noted that the appellant was concerned with the approach taken by the Council as to whether they acted in a positive and proactive way. Nevertheless, this does not affect the proposal before me or the conclusion that I have reached. Moreover, the fact that there were no objections from neighbours or other consultees does not outweigh the harm identified above.

17. A previous appeal was dismissed for a similar extension that was slightly larger and had a pitched roof design. Whilst I have taken into consideration the conclusions of that decision, I have assessed this appeal on its own merits.

Conclusion and Recommendation

18. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, the proposal would not accord with the development plan and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

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

B J Sims

INSPECTOR