



Appeal Decision

Site visit made on 16 November 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/J3720/D/21/3282755

22A Heron Lane, Stratford-Upon-Avon CV37 9EG

- 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 and Mrs N Matthews against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01135/FUL, dated 6 April 2021, was refused by notice dated 13 July 2021.
 - The development proposed is described as '2 storey rear extension'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 22 Heron Lane, with particular regards to outlook and light.

Reasons

3. 22A Heron Lane is a detached two storey dwelling located in an area characterised by similarly designed dwellings set back from the highway behind front gardens and driveways. Dwellings are grouped closely together with only a pedestrian access as a gap between side elevations. Dwellings do not have a consistent building line with the appeal property being stepped back from the neighbouring No 22 Heron Lane. No 22 benefits from a small patio area adjacent to a rear conservatory and grassed lawn. Due to the stepped nature of the dwellings, the appeal building's rear elevation projects beyond the rear elevation of No 22, including its rear conservatory.
4. At present, the host dwelling has an existing single storey conservatory to the rear that covers some two thirds of the width of the back wall of the dwelling. This would be removed to accommodate the proposed development. A full width pitch roof two-storey extension would be constructed in its place.
5. There is some dispute between the Council and the appellant regarding the level of the projection of the appeal dwelling from the rear of No 22. However, from my site visit it was apparent that the dwelling does project beyond the main rear wall of No 22 by between 1 and 2 metres and in any event the proposed development would increase this projection by 2.2 metres.
6. The location of the proposed development close to the boundary of No 22 combined with its height and depth would have an overbearing impact on a

patio space close to the rear of No 22. However, given that this is a small part of the overall garden, which would remain unaffected I do not consider that this would have a harmful impact on the occupiers of No 22 and the enjoyment of their garden as a whole.

7. However, given the minimal gap between the proposed development and the boundary of No 22, the height and depth of the proposed development would have a significant enclosing effect on the outlook from the conservatory and ground floor window. The proximity of the proposed development combined with its height and depth would significantly restrict levels of light entering the conservatory, which would result in the room it serves being unduly gloomy to the detriment of its usability and the occupiers of No 22.
8. I conclude that the proposed development would significantly harm the living conditions of the residents of No 22, with particular reference to outlook and light contrary to Policy CS.9 and CS.20 of the Stratford-on-Avon District Council Core Strategy 2011 to 2031 (2016) and the guidance contained within the Stratford-on-Avon District Council Development Requirements Supplementary Planning Document (2019) which together seek, amongst other things, to ensure a good standard of space and amenity for occupiers and that development protects neighbouring buildings from loss of daylight. The proposal is also at odds with the advice set out in paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Conclusion

9. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant consideration, the appeal should be dismissed.

Tamsin Law

INSPECTOR