



Appeal Decision

Site visit made on 19 April 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2022

Appeal Ref: APP/T3725/D/22/3291958

8 Offa Road, Leamington Spa, Warwickshire, CV31 2BT.

- 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 Amor against the decision of Warwick District Council.
 - The application Ref W/21/1518, dated 12 August 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the erection of a part single storey, part two storey, rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the local area; and
 - The effect on protected species particularly bats.

Reasons

Background

3. The appeal site comprises a semi-detached property that is one half of a building with a joint gable end fronting the street and the roof ridge running at right angles to the road. The host property side has a long flat roof box dormer at first floor on the side elevation. It is proposed to extend the property at the rear with a single storey addition surmounted by a square box end at first floor which would be clad in timber and other types of timber would be used to re-clad the remainder of the dormer.

Effect on character and appearance

4. The semi-detached properties with symmetrical roofs clad in slate are the dominant house type in the area and most have small side dormer windows (probably forming a bathroom) also clad in slate, although some of these have been extended with longer dormers as per the host property. The appellant's designer says that as the present dormer is in a poor state of repair the

scheme improves this by removing the slate cladding and introducing a dark render and timber form to the long dormer.

5. The relevant Local Plan Policy BE1 indicates that new development should positively contribute to the character and quality of an area through good layout and design. Various design considerations are set out in the policy including the need to harmonise with and respect surrounding built forms. The Council also refers to its Residential Design Guide SPD but it is not clear where the proposal conflicts with any aspect of this.
6. Viewed from the front the original plane of the roof and verge would remain as the dormer is set back slightly from the front elevation, however, the overall length of the dormer plus extension would be visible from the street in the gap to the neighbouring property No.10. The box extension would be most prominent on the east elevation facing the appeal site garden and this would mainly be seen from other private rear gardens rather than the public realm.
7. I understand the appellant's designer's aims of introducing a 'more adventurous' form with materials which 'un-harmonise the proposal from the character of the existing dwelling and street scene'. Guidance in paragraph 130 of the National Planning Policy Framework (the Framework) indicates that in achieving well designed places proposals should be sympathetic to local character and the built environment while not preventing or discouraging appropriate innovation and change.
8. In this case, it appears to me that the proposal to extend the already long side projecting dormer with a box extension results in a visually dominant form which goes well beyond the underlying architectural form of the semis. It would change the side facing dormer away from being a visually subordinate feature to one where the dormer and extension would be the dominant and imposing feature of the property because of their length, projection and contrasting materials. The character and appearance of the original dwelling would be lost and the scheme as proposed would appear visually imposing and materially out of place in the street scene and when viewed from the hinterland of private gardens.
9. The appellants' grounds of appeal relate to other sites in the area with similar symmetrical 'semis' with the gable facing the street and the examples given show how difficult it is to enlarge these properties without resulting in a form which is often at odds with their basic architectural style. I have taken account of the examples shown and noticed these or similar ones at my site visit. However, such examples appeared to be in the minority compared to the original form I have mentioned above and I cannot place much weight on existing schemes where it is agreed that they alter the character of the buildings significantly.
10. I have also taken account of the appellants' offer to reinstate slate cladding rather than have timber on the exterior of the work, and this could be addressed by condition, but this change would not mitigate the length and scale of the projection at first floor which are fundamental parts of the flaws in the scheme.
11. Overall I find that the proposed rear extension and first floor additions would dominate the character and appearance of the original property and

significantly harm rather than enhance its presence in the street scene and local area, contrary to the provision of Policy BE1.

12. The appellants also say the proposed work is 'permitted development' but there is no Certificate of Lawfulness before me and as such this claim is not proven.

Effect on protected species

13. The Council's objection on this ground stems from the representations of the Ecological Assistant who indicated that records show the presence of bats nearby and suggest that the surrounding area as a suitable potential foraging habitat for bats. The specialist recommends a Preliminary Bat Roost Assessment is carried out prior to determination, including assessing any trees impacted by the scheme for nesting birds and ponds on the site.
14. No such assessment is included in the appeal scheme, however at the site visit I noted that there were no trees, ponds or similar features within the appeal site itself that were likely to have been a habitat for protected species. On the evidence put to me I am satisfied that the proposal would be unlikely to cause significant harm to biodiversity in the context of paragraph 180 of the Framework, and there is no conflict with Local Plan Policy NE2 in terms of the potential impact on assets of importance for biodiversity.

Planning balance

15. On the main issues I have found that the proposed extensions to the existing dwelling would harm its character, appearance and local setting and conflict with the relevant policy BE1, but the proposal would be unlikely to harm any asset of biological importance. The harm identified and the conflict with policy have to be balanced with other considerations. However, the benefits to the appellants in upgrading and improving their property and extending it to accommodate a growing family do not outweigh the local harm and policy conflict that I have identified and this indicates that the appeal should not be allowed.

Conclusion

16. For the reasons give above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR