



Appeal Decision

Site visit made on 21 June 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2022

Appeal Ref: APP/J3720/W/22/3292107

Welfare Centre, Craven Lane, Southam CV47 1PG

- 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 Gurjinder Dhaliwal against the decision of Stratford-on-Avon District Council.
 - The application Ref 21/01274/FUL, dated 14 April 2021, was refused by notice dated 20 August 2021.
 - The development proposed is demolition of existing billet hut (Class D1) and the proposed erection of a single detached dwellinghouse (Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. In addition to the Council's refusal reasons, objections to the proposed development have been made by other parties. The appellant has had the opportunity to respond to all of the concerns that have been raised. Having regard to all of the correspondence received, I consider the main issues are the effect of the development on (i) the living conditions of occupiers of 11 Craven Lane (No 11) in terms of outlook and privacy, and (ii) the living conditions of occupiers of 1 Craven Lane (No 1) in terms of outlook and light.

Reasons

Living conditions of occupants of No 11

3. The existing hut is a single storey building. The proposed house would be 3 storeys high with the top floor in the roofspace. Front windows at ground and first floor levels and dormer windows above would all face the street.
4. No 11 is a dwelling on the opposite side of the road. It has a living room window at ground floor and 3 rooflights at first floor level that face towards the appeal site. The proposed dwelling would be seen from No 11's living room window and through 2 of the rooflights which serve a bedroom.
5. The front of No 11 is on the edge of the pavement. The proposed dwelling would be set back slightly into the plot but Craven Lane has a fairly narrow carriageway. The appellant has not sought to dispute the Council's claim that there would be only 8m between the front elevations. This is a notably shorter separation than the minimum 16m set out in Table F1 of the Council's Development Requirements Supplementary Planning Document (SPD) for properties that face each other. Moreover, the proposed house would be markedly taller than the hut currently on the site. Due to its height and close

proximity, the dwelling would significantly curtail views of the sky from No 11's front windows and would have an overbearing effect.

6. Also, the proposed dormer windows would introduce new elevated viewpoints of No 11. One of these windows would serve a bathroom and so it would be reasonable to require it to be obscured glazed so as to prevent overlooking. However, the other dormer would serve a bedroom where an outlook is needed to ensure occupants have acceptable living conditions. As such, a planning condition that requires obscure glazing of this window would be unreasonable.
7. The bedroom dormer window would not be directly in front of No 11's bedroom rooflights. Even so, due to its proximity, relative height and position, the dormer would allow occupants of the proposed dwelling to look directly into No 11's bedroom. The rooflights are large enough to enable clear sight into the room. Such views would cause an appreciable and intrusive loss of privacy.
8. The appellant with reference to advice from a Council officer suggests that views from and into rooflights are not afforded the same protection as those associated with vertical windows. However, I am referred to no planning policy or part of the SPD that makes such a distinction. Some of No 11's windows affected by the development happen to be rooflights but nevertheless, the identified overbearing effect and loss of privacy would still be harmful.
9. For the above reasons, I conclude the proposal would have a detrimental effect on the living conditions of occupiers of No 11 in terms of loss of outlook and privacy. In these respects, it would not accord with policy CS.9 of the Stratford-on-Avon District Council Core Strategy 2011 to 2031 (CS). Amongst other things, this looks to ensure development provides a good standard of amenity for occupiers of neighbouring buildings.

Living conditions of occupants of No 1

10. The side boundary of the appeal site adjoins No 1, a 2 storey house that faces the road. No 1 has ground floor windows which serve a kitchen and a bedroom/living room in the elevation that faces the site.
11. The side of the proposed dwelling would be set off the boundary and a yard area lies between No 1's side windows and the appeal site. Nonetheless, the proposed house would be much taller than the hut and by virtue of its height and depth, the development would obstruct much of the views of the sky from No 1's side windows. Moreover, the flank elevation would be a tall gable wall of mainly brickwork and so it would have a dominating effect on No 1. Also, it is likely that the significant increase in height compared to the existing building would lead to additional overshadowing of No 1's windows.
12. For these reasons, I conclude that the development would significantly harm the living conditions of occupiers of No 1 in terms of loss of outlook and light. In these regards, it would be contrary to CS policy CS.9.

Other Matters

13. A previous proposal for 2 dwellings on the site was dismissed at appeal¹ but solely on highway safety grounds. The appeal decision notice includes no comments regarding the effect of the development on living conditions at

¹ Appeal reference number APP/J3720/W/20/3260901

No 11 and No 1 and there is no indication that such matters were put before the Inspector for consideration. Moreover, no drawings of the previous scheme have been provided and so I am unable to draw accurate comparisons with the current proposal. In such circumstances, it would not be inconsistent with the previous appeal decision to find the current proposal would cause harm to living conditions of No 11's and No 1's occupants.

14. I am advised that the Council's planning officer provided positive advice on the proposal. However, it does not follow that the Council's decision will follow the officer's recommendation to grant permission. I have carried out an impartial assessment having regard to all the evidence before me.
15. The site lies in Southam Conservation Area (the CA) which, from my observations, gains its significance from the historic and architectural interest of several older buildings particularly along High Street and Market Hill. However, Craven Lane tends to contain only modern properties. The hut to be demolished is older and apparently was used as a billet hut in World War 1. Even so, it has a plain, simple appearance of little architectural merit and so it makes no meaningful positive contribution to the street scene. The demolition of the hut and the proposed development would cause no harm to the character and appearance of the CA. Moreover, the dwelling would not be easily seen with the Craven Arms Hotel and so it would cause no harm to the setting or significance of this listed building. Acceptability in these regards is a neutral factor in my assessment.
16. The proposed development would fit in with the mix of properties on Craven Lane and the inclusion of parking spaces would overcome the concerns raised in respect of the previous appeal. Again, these are neutral factors rather than benefits that attract positive weight.
17. It is indicated that the proposed house would be a self-build or custom build property. However, there is no information that shows the initial owner of the home has had primary input into its design. Also, there is no mechanism in place to require it to be occupied as a self or custom build house. In any event, there is no evidence to demonstrate a particular need for such units in the area. As such, this consideration has little influence on my assessment.
18. Irrespective of the above, the proposal would boost the supply of housing and would provide a dwelling in a location with good access to facilities. These factors attract positive weight, albeit that only a single unit is proposed and there is no indication of any housing land supply shortfall. Overall, I find the benefits of the development would be limited and that they would not outweigh the harm in respect of the main issues.

Conclusion

19. The detriment identified to the living conditions of occupants of No 1 and No 11 means the proposal would not accord with the CS when read as a whole. Benefits of the scheme and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. Therefore, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR