

Appeal Decision

Site visit made on 28 June 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022.

Appeal Ref: APP/T3725/D/22/3292844
123 Windy Arbour, Kenilworth CV8 2BJ

- 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 Emily Moore against the decision of Warwick District Council.
 - The application Ref W/21/1689, dated 6 September 2021, was refused by notice dated 21 January 2022.
 - The development proposed is 'first floor side and single storey rear extensions'.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side and single storey rear extensions at 123 Windy Arbour, Kenilworth CV8 2BJ in accordance with the terms of the application Ref. W/21/1689, dated 6 September 2021 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with approved drawing number 8405-01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling and the street scene within which it sits.

Reasons

3. The appeal relates to a detached house which sits within a road that is home to dwellings of a wide range of sizes and styles. The proposal seeks planning permission for a first floor extension to the front and side along with a single storey extension to the rear.
 4. The Council raises no objection to the single storey rear extension and I have no reason to disagree. The Council's concern relates to the proposed first floor front and side addition. This would be built above an existing flat roof garage
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which sits slightly in front of the principal gable elevation. The proposal would introduce a narrower gable with the same roof profile and at the same ridge height as the existing gable, but with higher eaves. The new gable would be linked to the existing gable by a flat roof section which would be recessed.

5. Given the projecting nature and ridge height of the proposed extension, I agree with the Council that it would not appear as a subservient addition, as recommended by the Council's adopted Supplementary Planning Document titled '*Residential Design Guide*' (SPD). However, the SPD goes on to explain that the overall size and scale (of an extension) will vary according to site conditions, constraints and circumstances.
6. In this particular case, the appeal dwelling is set back a comfortable distance from the highway and the proposed extension would not project beyond the gable at the neighbouring dwelling to the south, No. 121 Windy Arbour. Furthermore, as stated within the Council's Delegated Report, each property along this part of Windy Arbour is unique and this diversity is a noticeable element of the street scene.
7. I also note the Council's particular concerns about the flat roofed element which would link the existing and proposed gables. However, this section would be modest, it would be much lower than the ridges of the existing and proposed gables and it would sit well back from them. On this basis, I am satisfied that it would not be particularly noticeable or visually harmful.
8. For the above reasons, I conclude that the proposed extensions would respond positively to the scale and form of the host dwelling and would not harm the character and appearance of the street scene. In such terms, I find no conflict with policy BE1 of the adopted Warwick District Local Plan, policy KP13 of the Kenilworth Neighbourhood Plan or the SPD, which collectively require developments to be of a high standard of design that is appropriate to the local area.

Conditions

9. In addition to the standard conditions which limit the lifespan of the planning permission and direct that development takes place in accordance with the approved plans, the Council has suggested one other condition in the event that the appeal succeeds. I agree that a condition to ensure the external materials of the extensions match those of the host dwelling is necessary in order to ensure a visually acceptable development. In allowing the appeal, I shall impose these conditions.

David Fitzsimon

INSPECTOR