



Appeal Decision

Site visit made on 8 November 2022

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2023

Appeal Ref: APP/J3720/D/22/3301916

3 Butchers Close, Bishops Itchington CV47 2PX

- 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 Liam Wellings against the decision of Stratford-on-Avon District Council.
 - The application Ref. 21/03467/FUL, dated 29 October 2021, was refused by notice dated 16 May 2022.
 - The development proposed is a single storey rear and side extension, new porch and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension, new porch and alterations at 3 Butchers Close, Bishops Itchington CV47 2PX, in accordance with the terms of the application, Ref 21/03467/FUL, dated 29 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Location Plan (1:1250 scale), 9270-01 Revision A, 9270-02 Revision A and 9270-03 Revision A.
 - 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.

Procedural Matter

2. Although the Council has submitted two sets of drawings showing the appeal proposal, it is apparent from the Officer Report and the Appellant's Statement, that the Council's decision was based on amended drawings showing a retained garden covering an area of 40 square metres. Of the two sets, only the 'Revision A' drawings contain an annotation describing this amendment. For the avoidance of doubt, I have determined this appeal based on the 'Revision A' drawings and this is reflected in the conditions I have imposed above.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of the occupiers of Nos 4 and 5 Butchers Close, with particular regard to outlook; and
 - the character and appearance of the host property and area.

Reasons

Living conditions

4. Although the proposed extension would extend alongside the rear gardens of Nos 4 and 5 Butchers Close, its height to the roof level is relatively low and it would occupy land at a lower level than the gardens of those properties. The difference in land levels would reduce the height and massing of the proposed extension's walls and roof when seen above the boundary fences from Nos 4 and 5. As such, I find that the proposed extension would not have a dominant or overbearing effect on the outlook of the occupiers of Nos 4 and 5 Butchers Close, when viewed from the gardens and windows.
5. I conclude that the proposed development would not unacceptably harm the living conditions of the occupiers of Nos 4 and 5 Butchers Close with particular regard to outlook. As such, it complies with Policy CS.20 of the Stratford-on-Avon District Core Strategy 2011-2031 (the "CS"), which requires development to not unacceptably detract from the living conditions of neighbouring occupiers. The proposed development would also comply with the broad aim of Part F of the Development Requirements SPD, which requires development to avoid overbearing impacts.
6. The Council has provided a copy of the Bishops Itchington Neighbourhood Development Plan 2011-2031, Regulation 14 Pre-Submission Draft (November 2020) (the "NDP") and has quoted Policy BINDP4, as stating that development must *"not have a detrimental effect on the amenity of occupiers in neighbouring property"*. In the version of the NDP submitted by the Council, this quote is contained in Policy BINDP1(g). For the reasons given above, the proposal is consistent with this policy objective.

Character and appearance

7. The proposed rear and side extension would be a modestly sized and subservient addition to the host dwelling, with a design that would reflect the simple forms of buildings in the locality. It would respond to the established building line and would sit comfortably in the space between the host dwelling and the adjacent dwelling. The retained garden area would provide separation and space between the two buildings and the built form of the proposed extension would largely be absorbed into the massing of the surrounding buildings, including the large two storey houses (Nos 4 and 5 Butchers Close) to the rear. For these reasons, the proposed rear and side extension would not appear as a dominant or cramped feature within the street scene.
8. The gabled form of the proposed porch would reflect the gabled form of the host dwelling. It would cover a relatively small area of its comparatively wide façade and the distance of its forward projection would be modest. Although the majority of dwellings in the locality feature narrower porches with mono pitch roofs, there is a variety of house types. The bungalow on the opposite side of the Close (No 24), features a gabled front porch and No 25, next to it, features a two storey projecting front gable. In this context, the proposed porch would appear as a proportionate and sympathetic addition to the host property, and it would not be dominant or incongruous in the street scene.
9. I conclude that the proposed rear and side extension, new porch and alterations would be sympathetic to the character and appearance of the host

dwelling and the locality. As such, the proposals would comply with Policies CS.5, CS.9 and CS.20 of the CS, which require extensions to buildings to be subservient in scale and of a high design quality that reflects the distinctive qualities of the locality.

Conditions

10. To ensure that the development respects the character and appearance of the host property and surrounding area, it is necessary to impose conditions requiring it to be carried out in accordance with the submitted drawings and constructed from matching materials.

Conclusion

11. For the reasons given, I conclude that the appeal proposal complies with the development plan as a whole. The appeal should be allowed.

G Sylvester

INSPECTOR