



Appeal Decision

Site visit made on 6 January 2023

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th January 2023

Appeal Ref: APP/J3720/D/22/3311212

9 Avon Crescent, Stratford-Upon-Avon, Warwickshire CV37 7EU

- 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 Fraser Chambers against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00701/FUL, dated 7 March 2022, was refused by notice dated 6 September 2022.
 - The development proposed is alterations and extensions to existing detached dwelling.
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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 character and appearance of the local area.

Reasons

3. The appeal property is a mainly 2-storey detached dwelling within a line of detached houses, the layout of which follows a gentle arc to one side of Avon Crescent within a predominantly residential area. Within the same row as No 9, adjacent buildings are generally separated by modest and irregular sized gaps including space at first floor level and between adjacent hipped roofs. These gaps, together with slightly varied front build lines, play an important role in separating and differentiating one dwelling and its plot from another in the local street scene to which No 9 belongs.
4. The Council's Development Requirements Supplementary Planning Document (SPD) notes that adequate spacing between properties should be considered to avoid a 'terracing effect'. To avoid this outcome, whereby separate buildings visually merge due to their close physical relationship, the Council's User Guide for Householder Development (the User Guide) states that first floor side extensions should maintain a gap of at least 1-metre from the boundary. In applying this guidance, it seems to me that some flexibility should be adopted given that local circumstances can often vary, and a central planning principle is that each case should be determined on its own merits.
5. In this instance, the existing single storey garage at the side of No 9 establishes a substantial built form at ground floor level almost up to the shared boundary with the adjacent property, which is 11 Avon Crescent. The new side extension would reduce the gap above ground floor level between

these neighbouring properties by introducing additional built form. As the new first floor element would be close to the common boundary between Nos 9 and 11, the appeal scheme would not achieve the minimum set back distance from the boundary of the site to which the User Guide refers.

6. Gaps would remain between the appeal dwelling and the properties on either side with the new built form in place. Consequently, the proposal would not result in a terrace, nor would it be perceived as such in the street scene given the contrast in built form, layout, and different roof profiles of the properties in the same row as No 9.
7. However, when seen from the road, the gap between Nos 9 and 11 would appear uncharacteristically narrow with the proposed 2-storey side wall uncomfortably close to the adjacent 2-storey wall and chimneystacks of No 11. This arrangement would draw the eye given that adjacent houses in the row to which No 9 belongs are mostly spaced further apart especially at first floor level. With limited space between Nos 9 and 11, the finished building would appear unduly cramped in terms of layout and in its relationship with No 11. This arrangement would be obtrusive in the street scene and detrimental to the character and appearance of the local area.
8. I observed several examples of properties in the local area with sizeable side additions and neighbouring properties with their 2-storey flank walls separated by a narrow gap. In most cases, these examples exemplify the harm to which I have referred and therefore do not necessarily set a desirable precedent. Furthermore, these examples do not form part of the row of houses within which No 9, as proposed to be enlarged, would be visually 'read'.
9. In reaching these conclusions, I acknowledge that the site is not within a conservation area and that the external materials that are proposed would be appropriate. I also note that the submitted design retains key design features of the existing dwelling including its front bay and gable.
10. Nevertheless, I conclude on the main issue that the proposed first floor extension would materially harm the character and appearance of the local area. As such, it conflicts with Policies CS.9 and CS.20 of the Stratford-on-Avon Core Strategy 2011 to 2031 and Policy BE5 of the Stratford-upon-Avon Neighbourhood Development Plan 2011-2031. These policies aim to ensure that development achieves high quality design; reflects local character; and is appropriate in scale having regard to the site's location. These policies support the guidance within the Council's SPD and the User Guide with which the proposal would also conflict. The appeal scheme is also at odds with the National Planning Policy Framework (the Framework) which states at paragraph 130 that developments should be sympathetic to local character and add to the overall quality of the area.
11. I acknowledge that the condition of the appeal property is generally poor and that the building needs significant repair and modernisation. I also accept that the completed dwelling would be well insulated and energy efficient with accommodation that would significantly improve the living conditions of the appellant. The need for occupiers to be able to modernise and adapt their homes to meet their current and future needs is recognised in policy at national and local levels. I agree that a new roof to the existing garage would not in itself provide additional living accommodation and that the resultant building might appear cramped depending on its detailed design. However, there is

nothing before me to indicate that the problems posed by the condition of the existing property can only be addressed and resolved in the manner proposed.

12. The Council appears to raise no objection to the ground floor rear and side extension, which also forms part of the proposal. I, too, find this element of the appeal scheme acceptable in its scale and design. However, from my inspection of the plans, the proposed ground floor extension is not clearly severable from the new first-floor addition, which is objectionable. Consequently, I am unable to issue a split decision that grants planning permission solely for it.
13. The appellant is critical of the Council's approach and considers that it has behaved unreasonably and unfairly by, amongst other things, failing to indicate what alternative form of development would be acceptable; preventing development that should have been permitted; applying policies and guidance arbitrarily and incorrectly; and failing to keep to its assurances. Although a costs application has not been made against the Council, the appellant considers that he has incurred unnecessary and wasted expense as a result. In support of this stance, reference is made to a series of email exchanges between the appellant's architect and the Case Officer that led to a refinement of the scheme and the submission of revised plans. However, in my view, the Council's reason for refusal is complete and specific to the proposal. It refers to policies and guidance that are relevant to the application, with more detail provided in the Officer's report including salient parts of the Framework. The Officer's report also elucidates the Council's concerns, which, for the reasons given, I share.
14. An interested party raises additional concern about the ability to carry out maintenance and repairs if adjacent buildings are placed too close together. I have considered this issue along with all the evidence before me. However, given my findings on the main issue, my decision has not turned on this matter.

Conclusion

15. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR