



Appeal Decision

Site visit made on 6 February 2023

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2023

Appeal Ref: APP/J3720/W/22/3307398

22 Butchers Close, Bishop's Itchington, Southam, Warwickshire 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 and Mrs Andrew and Jane Cherington against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/00066/FUL, dated 10 February 2022, was refused by notice dated 7 April 2022.
 - The development proposed is change of use of amenity land to domestic garden and the construction of a single-storey front and side extension.
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Decision

1. The appeal is dismissed insofar as it relates to the construction of a single-storey front and side extension. The appeal is allowed insofar as it relates to the change of use of amenity land to domestic garden. Planning permission is granted for change of use of amenity land to domestic garden at 22 Butchers Close, Bishop's Itchington, Southam, Warwickshire CV47 2PX in accordance with the terms of the application, Ref 22/00066/FUL, dated 10 February 2022, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Preliminary Matters

2. The description of the development in the header above is taken from the application form. The appellants contend that at least a part of the defined site has never been "amenity land" but has formed part of the garden to the appeal property since it was constructed. As a result, it is argued that planning permission is not required for the change of use of land.
3. It is not my role in the determination of this appeal to decide on the authorised use or uses of land within the defined site. It is open to the appellants to submit to the Council an application for a certificate of lawfulness should they wish to obtain a formal decision on this matter. My assessment is based on the description of development as on the application form, which refers to a change of use of land as well as the construction of an extension.
4. The drawings submitted by the appellants show the extent of the appeal site outlined in red. However, they do not clearly indicate the area of land subject to the proposed change of use to domestic garden. As such, my assessment is made on the basis that permission is sought for the whole of the area outlined in red to be used as domestic garden.

5. The appeal submissions refer to an existing close boarded fence on the side boundary to the appeal property's back garden. I understand that planning permission has not been granted for the erection of this fence. However, the description of development and the submitted plans fail to indicate that the fence forms part of the scheme before me. Indeed, the planning application form says no boundary treatments are included as part of the proposed development. For clarity purposes, I confirm that my assessment is limited to the development as described in the header and as shown on the appeal drawings. As such, my determination does not cover the fence.

Main Issue

6. The main issue is the effect of the development on the character and appearance of the area.

Reasons

Proposed extension

7. The appeal property is a 2 storey high, semi-detached dwelling in a residential area. It is on a bend in the road so that both its south and west elevations face the highway. A grassed strip of land lies between these elevations and the pavement with a hedge along the roadside boundaries of the site.
8. There is a degree of variation in local properties. The houses are of assorted designs and are laid out with little uniformity. Also, I am advised that there have been many changes to local residences since they were built. Nonetheless, there is still a clear tendency for dwellings to be set back off the pavement with small, open lawns to the front. Most houses are of a simple form with only small ground floor bay windows or porches projecting to the front. The elevations of the appeal property that face the highway retain a simple appearance, despite a conservatory and roof enlargement to the rear.
9. The proposed extension would wrap around the west and south facing elevations of the house. While it would only be single storey, it would be seen above the boundary hedge from the adjacent road. Also, it would be seen when approaching the site from the east along Butchers Close as well as from the open space area on the corner of Butchers Close and Rupert Kettle Drive. Therefore, the extension would have an obvious effect on the street scene.
10. The proposed addition would markedly alter the simple form of the appeal property by reason of its size and design. The significant projection towards the road to the west and south would cause the extension to look unusually large compared to the smaller porches and bay windows seen on other nearby houses. The wrap around design of the addition as well as the prominent gable end on the southern elevation would also emphasise its incongruity. In addition, windows and external doors in the extension would not align with those at first floor level. Matching external materials are proposed but even so the development would not relate well to the host property.
11. Also, by bringing the ground floor of the house nearer to the road, the extension would noticeably erode the openness of the plot. Moreover, it would be unduly prominent in the context of the nearby houses by virtue of its proximity to the highway and its corner position. Therefore, it would stand out as an incongruous and unsympathetic addition to the street scene.

12. The appellants advise that the floorspace proposed is the minimum necessary to meet their accommodation requirements. I have carefully considered the personal circumstance reasons why the appellant has applied for planning permission for the extension. However, I am unconvinced that the appeal scheme is the only way in which additional accommodation could be achieved. For example, I see no reason why new facilities and extra living space could not be provided through the adaption or replacement of the existing conservatory. In any event, the appellants' requirements will change over time and so they do not justify an extension of poor design.
13. The proposal would provide satisfactory living conditions and would retain sufficient garden space to serve the occupiers of the appeal property. Also, it would not harm the living conditions of neighbouring residents. However, acceptability in these regards does not address the harm that would be caused by the stark incongruity of the extension.
14. Therefore, I conclude that the proposed extension would be detrimental to the character and appearance of the area. In these regards, it would not accord with policies CS.9 and AS.10 of the Stratford-on-Avon District Core Strategy 2011 to 2031 (the CS). Amongst other things, these policies look for development to be of high quality design that reflects and minimises the impact on the character and distinctiveness of the locality.

Change of use to garden

15. Notwithstanding my conclusion in respect of the proposed extension, I find the use of the strip of land to the south and west of the appeal property as garden would not lead to a loss of openness. The Council raise concern over the impact of the existing fence. However, even if I agreed with these objections, the fence does not form part of the development that I am considering. Many houses in the area have small lawns onto the road and so the use of the area between the appeal property and the highway as garden would be in keeping with the locality.
16. As such, I conclude the change of use element of the appeal development would not harm the character and appearance of the area. Therefore, it would accord with CS policies CS.9 and AS.10.

Conditions

17. The Council has suggested planning conditions in the event that I allow the appeal. However, these mainly relate to the extension element of the proposal, which I am not allowing. I consider only a single condition is needed that requires the garden use to commence within 3 years.

Conclusion

18. For the reasons given, I conclude the appeal should be allowed as far as it relates to the change of use of amenity land to garden. However, it should be dismissed insofar as it relates to the proposed front and side extension.

Jonathan Edwards

INSPECTOR