
Appeal Decision

Site visit made on 27 July 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/T3725/W/22/3297367
25 Burns Avenue, Warwick CV34 6JJ

- 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 Sami Filali Naji against the decision of Warwick District Council.
 - The application Ref W/21/1572, dated 17 August 2021, was refused by notice dated 30 January 2022.
 - The development proposed is demolition of garage, proposed new 3 bed house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located at the south-eastern end of Burns Avenue, a residential street characterised by semi-detached, hip-roofed, two-storey dwellings that are consistently set back from the road behind small front gardens/driveways. Whilst there is some limited variation in finishing materials and architectural details, the dwellings on Burns Avenue are generally evenly spaced, and of a uniform design, layout, scale and form. As a result of this consistency, dwellings on Burns Avenue appear as a cohesive grouping, with a notable rhythm, massing and pattern of development that provides a sense of place and distinctive character to the area.
4. The dwelling at 25 Burns Avenue, as a semi-detached, hip-roofed, two-storey dwelling, reflects the wider character of Burns Avenue. The dwelling does, however, sit on a wider plot than average for Burns Avenue and includes a double garage and outhouse to its side, adjacent to the corner plot at 27 Burns Avenue. The proposal involves the demolition of the double garage and outhouse, and the construction of a two-storey detached dwelling to the side of no 25.
5. I note that the proposed dwelling has taken design cues from the surrounding dwellings, in terms of its hip-roofed form, and would be finished in materials matching other houses in the street. Nevertheless, the built form of the dwelling, as a detached property, would not reflect the cohesive pattern of development of semi-detached dwellings within which it would be

predominantly viewed. Furthermore, the dwelling would have a lower ridge height, and would have a relatively narrow frontage and plot width, in comparison to the other dwellings on Burns Avenue. The dwelling would, therefore, relate poorly to the regular pattern of development in its vicinity, appearing as an incongruously small and cramped addition in the street scene. I find it would fail to respond to the local character or reflect the identity of the surroundings.

6. I acknowledge that the double garage and outhouse currently on site are of no particular architectural merit and that the existing outbuilding at no 27 already establishes some variation in the street scene adjacent to the appeal site. Those existing structures are, however, clearly subservient to their host dwellings and sit comfortably within their plots without disrupting the prevailing rhythm and massing of built form.
7. I have also noted the other developments in the area drawn to my attention by the appellant. Based on the measurements provided by the appellant, the detached dwelling at 9 Masefield Road is materially wider and sits on a wider plot frontage than the current proposal. As such, whilst the current appeal scheme has similarities to no 9, its narrower appearance and plot width would appear more out of kilter with its surroundings than is the case for no 9. With regards to the referred buildings on Kipling Avenue and Wordsworth Avenue, I do not know the circumstances or the policies that applied at the time of their consideration. In any event, I saw that these examples of later additions to the wider planned estates are very much in the minority and do not define the character of the area. They do not, therefore, represent justification for the erosion of the established character of the area that would result from the current proposals.
8. I have also had regard to the four examples of recently approved plans for large new developments drawn to my attention by the appellant. Those examples, where the space between each dwelling/plot forms part of a master-planned estate, represent a wholly different context to the current proposal and are not therefore directly comparable. In any case, I have assessed the current appeal on its own merits.
9. Consequently, I conclude that the proposed dwelling would result in harm to the character and appearance of the area. It would be contrary to the aims of Policy BE1 of the Warwick District Local Plan 2017 and the Council's Residential Design Guide Supplementary Planning Document 2018. This policy and guidance, amongst other things, require development proposals to be of the highest quality, to relate well to the existing local surroundings, and to positively contribute to the character and quality of the environment through good design and layout. In addition, the proposal would not accord with the National Planning Policy Framework requirements that developments should seek to secure a high quality of design (paragraph 126), be sympathetic to the local character (paragraph 130) and improve the quality of design of an area (paragraph 134).

Planning Balance

10. I acknowledge that the proposal would contribute towards housing supply and to the economy during its construction and, afterwards, through future residents' support for local services. Being for one property, however, it would

only make a very limited contribution, and this significantly limits the weight I attach to these matters.

11. I have considered the appellant's personal statement and I have considerable sympathy for the appellant's circumstances, including regarding the difficulties of purchasing a home. However, the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. As such these are matters to which I can attach only limited weight in making this decision.
12. The proposal would harm the character and appearance of the area and would conflict with the development plan when taken as a whole. These matters attract significant weight and outweigh the benefits associated with the proposed development. There are no material considerations that indicate the decision should be made other than in accordance with the development plan.

Conclusion

13. For the reasons given above, the appeal is dismissed.

S D Castle

INSPECTOR