



Appeal Decision

Site visit made on 16 February 2023

by Chris Forreth BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2023

Appeal Ref: APP/J3720/D/22/3305088

5 Rosecraddoc, Mill Lane, Kineton, Warwick CV35 0LA

- 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 Miss Lawrence against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/01359/FUL, dated 5 May 2022, was refused by notice dated 22 July 2022.
 - The development proposed is the formation of habitable room in roofspace with front and rear velux rooflights.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of habitable room in roofspace with front and rear velux rooflights at 5 Rosecraddoc, Mill Lane, Warwick CV35 0LA in accordance with the terms of the application, Ref 22/01359/FUL, dated 5 May 2022, 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 materials to be used externally on the development hereby permitted shall comply in colour, form, profile and texture with the details shown on the application form and approved plans.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Block Plan; Proposed Floor Plans/Sections/Elevations.

Main Issue

2. The main issue is the effect of the development on the living conditions of the occupiers of the adjoining residential properties with particular regard to privacy.

Reasons

3. The appeal site is located in a residential area where properties are closely grouped together. The property itself is a two-storey end terrace dwelling. The appeal proposal is for the installation of rooflights to the front and rear elevations of the property in association with the formation of accommodation within the roofspace. The Council have not raised any concerns in relation to the rooflight at the front of the property and I have no reason to disagree with that assessment.

4. The Councils reason for refusal relates to the impact on the property to the rear of the appeal site which is stated to be 1 Mill Lane. However, at my site visit, I noted that this property was not 1 Mill Lane, but 2 Rosecraddoc. I also note that the Officers' report also referred to overlooking of the more private areas of the gardens to 3 and 4 Rosecraddoc.
5. As noted by the Council, the proposal would introduce additional windows to the rear elevation which would be at a higher level than the existing rear facing bedroom windows. As I saw at my site visit, views from these existing bedroom windows provide a degree of overlooking to the gardens of all of the above properties together with some views of the windows of 2 Rosecraddoc.
6. The appeal proposal would provide some additional overlooking opportunities as a result of the additional windows and increased height, including the design of the window which allows for a form of balcony within the roofspace. However, in my view, any increase in overlooking would not be significant and would not result in an unacceptable loss of privacy to either the garden area or to the habitable rooms of 2 Rosecraddoc. Similarly, I find that there would only be very limited additional overlooking to the garden areas of Nos 3 and 4.
7. In coming to that view, I acknowledge that the proposal would not accord with the guidance contained within Part F of the Councils' Development Requirements SPD. Notwithstanding that, given the proposal before me and the existing relationship between the appeal property and its surrounding residential properties, I consider that the strict application of such distance standards is not necessary in this case.
8. The Council have referred to Policy H4 of the made Kineton Neighbourhood Development Plan to 2031 which relates to the use of garden land. However, given that the appeal proposal is a loft conversion, and does not involve the development of any garden land, this policy is not particularly relevant to the proposal before me. I therefore give this very limited weight.
9. For the above reasons the proposal would not adversely affect the living conditions of the occupiers of the adjoining residential properties and would accord with Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy 2011-2031 (2016) which, amongst other matters, seek to ensure that the occupiers of neighbouring properties will be protected from an unacceptable loss of privacy.

Conditions

10. The Council has provided a list of suggested conditions on their appeal questionnaire that it considers would be appropriate. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. In the interests of the character and appearance of the area, a condition relating to external materials is also necessary.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR