



Appeal Decision

Site visit made on 12 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th July 2023

Appeal Ref: APP/J3720/D/23/3317151

Moat Orchard, Old School Lane, Wilmcote, Warwickshire CV37 9UZ

- 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 C Ray against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/03111/FUL, dated 19 October 2022, was refused by notice dated 3 February 2023.
 - The development proposed is described as 'Minor enlarging of existing garage.'
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Decision

1. The appeal is allowed and planning permission is granted for minor enlarging of existing garage at Moat Orchard, Old School Lane, Wilmcote, Warwickshire CV37 9UZ in accordance with the terms of the application Ref22/03111/FUL, dated 19 October 2022 , subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) 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.
 - 3) The development hereby permitted shall be carried out in accordance with the approved drawing: Proposed plan, elevations, block plan – Drawing number PL002 – Rev B.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of Stone Cottage with regard to outlook.

Reasons

3. The existing garage is a single storey, detached building located between the host dwelling ('Moat Orchard') and Stone Cottage. Stone Cottage is located within the Wilmcote Conservation Area, whereas Moat Orchard is just outside the Conservation Area boundary. Stone Cottage is also identified as a non-designated heritage asset.
4. The appeal site is also within the Green Belt and washed over by the Arden Special Landscape Area ('SLA') designation. Also, two public footpaths also cross the appeal site.
5. Because of the historic layout of these properties, the east elevation of Stone Cottage forms part of the western boundary to Moat Orchard. This elevation to

Stone Cottage incorporates a ground floor window and a larger first floor window.

6. The ground floor window is relatively small to other windows at Stone Cottage and serves the living area for this property. Nevertheless, there is at least another larger window which also serves this area.
7. Moreover, the small window directly overlooks land associated with Moat Orchard, which includes the existing garage and areas which could be occupied for vehicle parking ancillary to the use of Moat Orchard.
8. Therefore, because of its size, arrangement and associated overlooking, the quality of the outlook from the small window is compromised.
9. As proposed, the side elevation of the garage, adjacent to Stone Cottage would extend closer to and beyond the small window. Despite this, a separation of about 2.5m between the extended garage and small window would still be retained. As such, whilst the proposal would change the outlook from the small window at Stone Cottage, this would not be unduly oppressive.
10. I have also had regard to the Council's Development Requirements Supplementary Planning Document part F: Residential Amenity, insofar as this is guidance. Even if I were to accept the Council's assertion that the small window is a rear window to Stone Cottage and should be afforded greater protection, in light of the above reasons, the proposal would not unacceptably harm the living conditions of the occupiers of Stone Cottage with regard to outlook.
11. Consequently, I find no conflict with the aims of Policy CS.9 of the Stratford-on-Avon District Core Strategy 2011 to 2031 ('CS'), which amongst other things requires that layout and orientation, will be sensitive to the setting, existing built form and neighbouring uses. I also find no conflict with the broad aims of CS Policy CS.20, which requires modifications to existing buildings to be of an appropriate scale and subservient in relation to the existing building.

Other Matters

12. Loss of light to Stone Cottage as a consequence of the proposal was not specifically raised as a reason for refusal by the Council. Nonetheless, the small window incorporates a deep surround and faces east. Therefore, because of its size and arrangement, the amount of light this window receives would be limited. Furthermore, because of the single storey scale of the garage and retained separation between this and the small window, there would be no unacceptable effect on the amount of light received at this window.
13. Notwithstanding the original design and siting of the garage, I have assessed the proposed extension to this on its merits and found this to be acceptable for the reasons given above.
14. As part of determining the planning application, the Council considered the implications of the proposal on designated and non-designated heritage assets, the SLA, the Green Belt and nearby public footpaths. The Council found that the proposal would be acceptable in respect of these. I have also considered these matters and I have no reason to disagree with the Council's conclusions.

Conditions

15. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans as this provides certainty. To safeguard the appearance of the development and area, I have specified a condition requiring external surfaces of the development hereby permitted to match those used in the existing building.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR