



Appeal Decision

Site visit made on 12 June 2023 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/J3720/D/23/3321429

6 Poplar Gardens, Poplar Road, Napton on the Hill, Warwickshire, CV47 8PG

- 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 Ms Tracy Avill against the decision of Stratford-on-Avon District Council.
 - The application Ref 22/03231/FUL, dated 25 October 2022, was refused by notice dated 14 February 2023.
 - The development proposed is for resurfacing existing driveway, decking to front elevation and entrance porch.
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Decision

1. The appeal is allowed and planning permission is granted for resurfacing existing driveway, decking to front elevation and entrance porch at 6 Poplar Gardens, Poplar Road, Napton on the Hill, Warwickshire, CV47 8PG in accordance with the terms of the application, Ref 22/03231/FUL, dated 25 October 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 development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Layout and Elevations: 7968/planning/R1 and Location Plan.
 - 3) A scheme of surface water drainage for the parking area shall be installed within 8 months of the date of this decision in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority.
 - 4) The fence to the side elevations of the proposed decking, as shown on the approved plans, shall remain in perpetuity.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the interests of precision, I have removed 'retrospective planning' from the original description of development in the banner heading above and within the Decision, as this does not describe an act of development.

4. I observed on my site visit that some elements of the proposal had been undertaken. However, as some of the development is yet to be implemented, I have assessed the development as a whole based on the submitted plans.
5. The decision notice references Policy PC1 of the Napton-on-the-Hill Neighbourhood Plan, however it is clear from reading the Plan that this is a typographical error and should be Policy 1. I have assessed the appeal on this basis.
6. The fencing as part of the proposal has not been included in the description of development. However, the Council has confirmed that they do not view this as a separate form of development and have assessed it as part of the entirety of the decking structure.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the host property and street scene.

Reasons for the Recommendation

8. The appeal site comprises a semi-detached two storey dwelling within a row of properties all of which are set back and elevated above the highway. Many of the properties feature driveways at street level and front gardens that gradually slope up towards the properties where patios and decking with fencing can be observed, affording the occupiers expansive views to the south.
9. The appeal property is one of three pairs of semi-detached properties which make up Poplar Gardens. These properties display broadly similar characteristics and are situated within a larger row of properties along Poplar Road and when viewed from the street are seen within this wider context.
10. The wider row of houses beyond Poplar Gardens, is more varied with differing styles of properties and materials. To the west of the appeal site, several properties have brick-built porches with mono pitched roofs and to the east some properties have protruding balconies, therefore contrary to the Council's assessment, I do not find it to be an area entirely characterised by flat fronted properties.
11. The enclosed porch would feature a gable formed pitched roof, and would have a modest forward projection. The pitch would be reflective of the pitched front window gable of the host property and the dark coloured frame of the porch would complement the soffit and fascia boarding of the host dwelling.
12. I recognise that the proposal would not fully comply with the guidance outlined in Part E of the Development Requirements Supplementary Planning Document (2019), which states fully enclosed porches *should* be avoided, however it would accord with other elements, such as having a double pitch roof and I am mindful that the document is for guidance only.
13. Taking the above points together, the introduction of the porch within the context of the existing varied character of the surrounding area, would not appear as an overly prominent or incongruous addition to either the host dwelling or street scene.
14. Turning to the driveway, I note the Council has not raised any issues with this element of the proposal. Nevertheless, after carefully considering the concerns

raised by a neighbour regarding the impermeable nature of the surface material and the Appellant's statement of case that highlights runoff is an issue, I will impose a condition requiring surface water drainage to be installed.

15. Regarding the timber decking, this would span the width of the host property and marginally protrude beyond the patio area of the adjoining property at No. 5. However, the proposed design, height and projection of the decking would broadly align with other examples of decking and patio areas commonly seen in the streetscene in this locality. I therefore find that it would not appear incongruous and out of character with either the host dwelling or street scene. I also note the Council on balance consider the decking acceptable.
16. Whilst the fencing is not detailed in the description of development, I have assessed the appeal based on the submitted plans. The proposed timber post and rail fence, enclosing the front of the decking, would allow views through, thereby minimising any visual impact, consistent with other types of balustrading observed at No. 2, 3 and 4 Poplar Road as well as Horizon House.
17. The timber fencing facing No. 5 would be approximately 1.5m in height. The low height ensures that it would not be visually intrusive when viewed from the street scene. Similarly, the approximate 2m high fencing on the side of the decking facing No. 7, although taller would not appear visually prominent, particularly when compared to similar timber fencing that I observed between several properties in this part of Poplar Road.
18. For the reasons above, the proposed development would not harm the character and appearance of the area or host property and consequently accords with Policies CS.9 and CS.20 of the Stratford on Avon Core Strategy (2011-2031) and Policy 1 of the Napton-on-the-Hill Neighbourhood Development Plan. Collectively these seek, amongst other matters, a high standard of design which respects the local context.

Other Matters

19. While the Council expressed no concerns about the impact of the proposal on the living conditions of neighbouring occupiers at No.5 and No. 7 Poplar Gardens, the neighbouring occupiers have raised issues regarding privacy.
20. Whilst views could be gained onto the front patio area of No. 5, mutual overlooking from this area already exists between the properties and I do not find it would be unacceptably or significantly exacerbated by the proposal. Whilst No. 7 is set lower down than the appeal property, the decked area at No.7 is set away from the boundary and whilst some overlooking onto the decked area at No.7 could occur from the appeal site, this could occur regardless of whether the decking was constructed as there is a high degree of mutual overlooking within the row due to the topography and the position of the decking on the front elevation, visible from the street. I accept that there would be some change, but I am not persuaded that the proposal would impact upon existing levels of privacy to a degree that would be significant or that would result in any unacceptable harm to the adjoining occupiers living conditions. Any possible views into habitable rooms at No. 7 would be at an oblique angle and with the proposed decking height and boundary treatment it would be further obscured. I am also mindful that the proposed decking would be 15cm lower, and as a consequence I find that with the boundary treatment, an acceptable level of privacy would be maintained.

21. I note the other concerns raised by neighbours regarding noise and disturbance, the type of fencing, light and outlook. In terms of noise and disturbance, there is no evidence before me to suggest noise generation from the decking would be any different to noise generated from other decked, terraced and garden areas within the wider row of properties. I have also had regard to safety concerns raised around the type of fencing used on the decking, but do not find there to be any compelling evidence to support this contention. Considering the decking and fencing's location, height, proximity to habitable room windows, and the southerly aspect of the properties, neighbouring occupiers would still maintain their sense of openness and outlook over their front garden space, and it would not have a material impact on the light into the habitable rooms of these properties.
22. The Appellant has referenced a fallback position in relation to the porch, however given my findings on the main issue this has not been determinative in my decision making.
23. Concerns raised with regard to the actions of the Appellant are not matters that have any bearing on my determination of this proposal which has focussed on the planning merits alone.

Conditions

24. It is necessary to impose the standard time limit condition and to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. To minimise surface water runoff on to the highway, a condition requiring surface water drainage to be installed for the parking area is necessary. A condition requiring the fencing to the side elevations of the decking to remain in perpetuity was suggested by the Council. To ensure adequate privacy for the neighbouring occupiers this condition is necessary, and for accuracy, I have modified the suggested wording.

Conclusion and Recommendation

25. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to the conditions as listed.

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is allowed, subject to the conditions listed.

Martin Seaton

INSPECTOR