



Appeal Decision

Site visit made on 29 August 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03.10.2023

Appeal Ref: APP/T3725/D/23/3325739

101 Windy Arbour, Kenilworth, Warwickshire CV8 2BJ

- 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 Smethurst against the decision of Warwick District Council.
 - The application Ref W/23/0458, dated 24 March 2023, was refused by notice dated 22 May 2023.
 - The development proposed is 2 storey front and rear extension with porch and new detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the area.
 - The effect on the living conditions of the occupants of the development with regards outlook.

Reasons

Character and Appearance

3. The appeal site is a 2 storey detached dwelling with protruding front gable in an area characterised by large properties set back from the road by driveways and front gardens that are free from built development. Properties are a mix of styles and a number of dwellings have been subject to extensions and alterations, including rendering.
4. The proposed 2 storey front gable would mean that the main part of the dwelling was no longer set back from the existing gable. It would substantially increase the scale and massing of the house, creating a discordant appearance in the street scene. The proposed rendering would help the proposal assimilate with the existing dwelling but would not overcome the harm caused by the bulkiness of the front extension.
5. The appellant has referenced other properties in the road that have been subject to extensions and alterations in support of their case. However, they are not located in the same part of the road and I do not consider them directly

comparable in terms of scale and appearance as the development proposed. In any event, each case is determined on its own merits.

6. The proposed garage would be a prominent feature in the front garden. Whilst there are examples of garages in front gardens elsewhere in the area there are none in the immediate vicinity of the site. As such, the development would create an incongruous addition in the street scene. The existing trees in the front garden of the property would only provide partial screening at certain angles and do not make the proposed development acceptable.
7. The development would harm the character and appearance of the area. As such it would conflict with the part of Policy BE1 of the Warwick District Local Plan 2011-2029 (Local Plan) which permits new development where it positively contributes to the character and quality of its environment through good layout and design. It would also conflict with the part of Policy KP13 of the Kenilworth Neighbourhood Plan 2017-2029 which requires development to respond positively to its surroundings in terms of layout, building scale, proportions and massing.

Living Conditions

8. The existing window serving bedroom 4 would be blocked off and a new window inserted on the side elevation. This would directly face the side wall of No 103 Windy Arbour in close proximity. It would create a restrictive and oppressive outlook for the inhabitants, harming the living conditions that the occupiers currently enjoy.
9. The appellant has made reference to a planning approval at No 99 Windy Arbour for a side window. I do not know the circumstances in which this was constructed or whether it is the sole window serving this room, as would be the situation in the case before me. Whilst a second floor obscure glazed side window could be installed under permitted development rights, under the current arrangements it would not be the only window serving the room. As such I give this little weight. Whilst the appellant has indicated a willingness to make amendments to the design of the development which may overcome the issue, the appeal process is not the place to further a scheme.
10. The development would harm the living conditions of the occupants of the development with regards outlook. As such it would conflict with Policy BE3 of the Local Plan which amongst other things does not permit development where it does not provide acceptable standards of amenity for future users and occupiers of the development.

Conclusion

11. For the reasons identified, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR