



Appeal Decision

Site visit made on 14 November 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/T3725/W/23/3321965

8 England Crescent, Leamington Spa, Warwickshire CV31 3JH

- 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 Ikveer Singh against the decision of Warwick District Council.
 - The application Ref W/22/1638, dated 11 October 2022, was refused by notice dated 23 December 2022.
 - The development proposed is two storey side extension forming a one bedroomed dwelling and single storey extension to rear of 8 England Crescent.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issue

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

Reasons

4. The appeal site comprises a two storey semi-detached dwelling and associated garden area. Properties along England Crescent are two storey semi-detached dwellings which are of a similar design which creates a uniform character. Properties are set back within their plots with the majority having a low boundary treatment across at least part of the front boundary, comprising of timber fencing, hedgerows, post and wire, railings or brick walls.
5. The established layout creates a spacious and softer landscaped streetscene. The width of plots along England Crescent do vary, but only by a relatively small amount, meaning there is a regular and consistent pattern which contributes positively to the character and appearance of the area.
6. The appellant asserts that the proposal would not be on garden land but would be on previously developed land due to the fact the footprint of the proposed dwelling would be located where there is currently a small single storey building attached to the side of the host dwelling and an area of existing

hardstanding. There is no definition of garden land set out under Policy H1 of the Warwick District Local Plan 2011-2029 Adopted September 2017 (LP).

7. In my view it is reasonable to assume that garden land includes the land surrounding a dwelling. I therefore find that the appeal site does form garden land. The glossary set out in the Framework excludes land in built-up areas such as residential gardens, from the definition of previously developed land. I therefore do not find that the proposal is on previously developed land.
8. The proposed two storey dwelling would be attached to the side elevation of the host dwelling. It would be subservient in its appearance, being set back from the existing front building line and lower in height than the existing dwelling. The use of matching materials and fenestration would enable the proposed development to appear as an extension.
9. However, in terms of use, the proposed development would result in a new dwelling in its own right, rather than an extension to the existing dwelling. The guidance on extensions set out in the Warwick District Council Residential Design Guide May 2018 (RDG) is therefore not relevant to the proposal before me. The new dwelling, appearing as an extension, would not reflect the established appearance of independent dwellings along the existing streetscene undermining the prevailing uniform character. The proposed width of both the new plot and the existing plot associated with the host dwelling would be reduced and would be incongruous with the prevailing pattern of development.
10. The proposal would result in the intensification of the residential use at the appeal site. The area currently used as garden to the front of 8 England Crescent would be utilised for parking. This would result in most of the space to the front of the appeal site being used for parking. I note the adjacent attached property, 6 England Crescent has block paving across the width of its frontage. Although this parking area only serves one dwelling and is therefore materially different, I accept it is present in the streetscene. However, this is not a common feature along the Crescent. The prevailing character of the area is formed of a combination of front garden space and parking area to the front of each property. This provides for a more landscaped streetscene which contributes positively to the character of the area. The loss of the garden area located to the front of the host dwelling, would erode this feature.
11. The bin storage areas for both dwellings are identified as being set back to the side of the proposed built form. This means that the number of bins associated with both properties would only be noticeable when they were put out for collection. However, the intensification of the use would introduce additional domestic paraphernalia associated with an independent dwelling, as well as additional pedestrian and vehicular movements. This would detract from the character and appearance of the area, by introducing further independent residential development into a more confined space than is characteristic of the area.
12. I therefore find that the proposal would be harmful to the character and appearance of the area. It would be contrary to Policy H1 and BE1 of the LP and Policy RLS1 of the Royal Leamington Spa Neighbourhood Development Plan 2019-2029 June 2020. These policies seek, amongst other things, that housing developments on garden land reinforce, harmonise or enhance the established urban character of the street, respect surrounding buildings in terms of scale, height, form and massing and do not represent

overdevelopment. The proposal would also be contrary to the RDG which seeks to ensure proposals complement their surroundings and paragraph 135 of the Framework which, amongst other things, seeks to ensure developments are sympathetic to local character.

Other Matters

13. The development would make a modest contribution of one dwelling to the supply of housing in the area. It would also contribute to economic growth during the construction phase and after when future occupiers would make use of local services and facilities. However, given the proposal is only for one dwelling, these benefits are of limited weight.
14. The appeal site is located within an urban area where the principle of residential development is considered appropriate, subject to an assessment against the relevant policies that relate to the case. I have found above that the proposal would be contrary to the relevant policies, relating to issues of character and appearance.
15. Whilst I recognise that there is a policy requirement relating to housing mix and that a balance of house types and sizes are required across the district, this does not override the need for a proposal to reinforce or enhance the character and appearance of an area.
16. The appellant asserts that the existing dwelling could be extended utilising permitted development rights and that the additional accommodation created would also result in additional parking and vehicle and pedestrian movements. I have not been provided with any further substantive information on what that scheme may involve. I therefore attribute limited weight to this consideration.
17. I have also been made aware of a similar two storey proposal being granted permission by the Council at 17 England Crescent, opposite the appeal site. Whilst I do not have any further details about this other scheme before me in order to make a full comparison, the appellant refers to it as an extension rather than a new dwelling. It is therefore materially different to the proposal before me, which is for an independent dwelling.
18. The appellant asserts that the proposal would not have an adverse impact on the living conditions of the occupiers of neighbouring properties and would provide sufficient amenity space, off-street parking and waste storage facilities for future occupiers. Even if I were to agree, a lack of harm in these respects is a neutral consideration which weighs neither for, nor against the proposal. I understand that the Council was late issuing its decision. Whilst frustrating, this is not something that weights in favour of the appeal.

Conclusion

19. For the reasons outlined above, the proposal conflicts with the development plan taken as a whole. There are no other considerations which indicate that I should take a decision other than in accordance with the development plan. The appeal is therefore dismissed.

G Dring
INSPECTOR