



Appeal Decision

Site visit made on 30 May 2024

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th June 2024

Appeal Ref: APP/J3720/D/24/3341861

13 Donnington Road, Shipston-on-Stour, CV36 4BQ

- 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 D Bennett against the decision of Stratford-on-Avon District Council.
 - The application Ref 23/02236/FUL, dated 21 August 2023, was refused by notice dated 11 January 2024.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. My site visit had been arranged as being unaccompanied. However, on arrival, it was apparent that the proposed development could not be seen from the public realm. No-one was at home at the appeal property, but a resident was at home in the next-door property, No 15. He agreed to allow access to his property, including the rear garden. I did so but only after explaining to the resident that I was there to assess the proposed development and could not discuss the merits of the appeal. My visit proceeded on this basis.
3. The proposed plans were amended during the course of the determination, and it is these that formed the basis of the Council's decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of the residents of the appeal property with particular reference to external amenity space provision, and those of the residents of the neighbouring dwellings at 11 & 15 Donnington Road with reference to light and visual impact.

Reasons

5. The appeal property is sited at the eastern end of a short terrace of dwellings within a large residential estate built during the last 40-50 years or so. The dwelling is of a modest size with a hardstanding at the front used for parking. The rear garden is also of a modest size, its useable external space being constrained by a single storey rear protrusion and a shed.

6. The increased footprint of development on the ground floor would reduce the area of useable external amenity area to a point in the Council's view where it would fail to meet its adopted standards¹. However, I note that the SPG appears to be directed towards the design standards expected to be achieved in new residential development, and the size standards for garden areas are expressed as '*indicative*' rather than mandatory. Having regard to what I regard as the relatively small increase in footprint proposed, the reduction in the size of the rear amenity space would not be such as to be particularly noticeable to the current residents.
7. The layout of this part of the estate would not satisfy the current design or spatial expectations of the Council as set out in its SPG. I found the layout to be tightly knit with the semi-detached block comprising Nos 15 & 17 Donnington Road set at an oblique angle to the terrace of which the appeal site forms a part - a relationship described by the appellant as '*awkward*'.
8. The appellant acknowledges that No 15's residents will suffer some impact due to this awkward relationship, but in his view insufficient in severity as to prove unacceptable. I disagree. The proposed extension, built on No 15's rear boundary, would have a dominating effect on No 15's small rear garden and unacceptably increase the sense of enclosure already felt there. This would also be the perception within the property since its rear windows face the proposed development. The adverse visual impact felt at such close quarters would mean that No 15's residents would feel increasingly and unacceptably hemmed-in and oppressed by development were this proposal to proceed. Some summer sun would also be lost to No 15's rear garden during the late afternoons, adding to the unneighbourly effects of the proposal.
9. For the same reasons as set out in the officer report, I do not consider that No 11's residents would suffer harmful consequences with regard to day- or sunlight. However, given the erection of an upward protrusion on their boundary in a tightly knit situation, they too would suffer adverse visual impact and intrusion, albeit to a lesser extent than the residents of No 15.
10. I therefore conclude that whilst the loss of garden area would not, in itself, warrant a refusal of planning permission, the visual impact of the development on the immediate neighbouring residents would prove intrusive and harmful. This justifies the dismissal of the scheme since a clear conflict arises with those provisions of policy CS9 of the Stratford-on-Avon District Core Strategy (CS) directed to ensure that the design of development should be sensitive to local setting, existing built form and neighbouring uses.
11. I note the comments raised by neighbours and the Town Council and have already dealt with the main planning-related points made. No other matter raised in the representations is of such strength as to outweigh those which led me to my conclusions.

G Powys Jones

INSPECTOR

¹ As expressed in its Supplementary Planning Guidance (SPG) entitled Development Requirements