



Appeal Decision

Site visit made on 11 November 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th November 2024

Appeal Ref: APP/J3720/W/24/3342217

Land at 16 Daventry Road, Southam, Warwickshire CV47 1PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Dennis Chiles against the decision of Stratford-on-Avon District Council.
 - The application Ref is 23/02108/FUL.
 - The development proposed is Proposed two-bedroom bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has been subject to two previous appeals, dismissed in 2001 and 2002, for a dwelling on the site. One of these appeal decisions¹ is discussed in evidence. However, this had a substantially larger footprint than the proposed scheme and the site and policy context has changed since that decision was made. That proposal was therefore materially different to the scheme the subject of this appeal and is a matter of limited weight in this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of future occupiers with regard to privacy and the size of the accommodation.

Reasons

4. Policy CS.9 of Stratford-on-Avon Core Strategy (CS) seeks development to be high quality design. Criterion 8 of policy CS.9(B) requires proposals to provide a good standard of amenity to protect occupiers from a range of effects including from privacy and adverse surroundings.
5. Part F of the Council's Development Requirements SPD [2019] relates to matters of residential amenity. Part F2, with respect to separation distances, requires the spacing between windows of buildings to achieve suitable distances for privacy and light to prevent cramped and congested layouts. Part F4 seeks to prevent a loss of privacy and that particular care should be taken immediately outside the rear of the house, such as patios, which are often used as sitting out areas. This requires a minimum separation distance of 10

¹ Planning Appeal Decision: APP/J3720/A/02/1086232

metres to be provided between habitable room windows and neighbouring gardens.

6. The proposed dwelling would form the end of a linear group of terraced dwellings that address Daventry Road. This terraced row is adjacent to a separate row of terraced dwellings of Pound Way that have rear elevations that overlook the appeal site. The ground floor of dwellings of Pound Way are at a lower level to the site. The proposed dormer bungalow would have glass doors, from the living room, providing access to the rear garden and a side kitchen window. The orientation of the proposed dwelling, 45 Pound Way (No 45), would enable only oblique views into the living room and kitchen of the proposal.
7. However, the most private part of the garden would be overlooked from No 45 over a short distance. The appellant's evidence demonstrates that windows of the first floor of No 45 serve a landing, bedroom and wet room. Although the landing is not a habitable room, this and the bedroom would enable significant overlooking of the proposal's side and rear garden. Whilst these rooms may be occupied less in the daytime, they would provide a clear, unfettered vantage into the rear garden, over a short distance where future occupiers would be uncomfortably overlooked. As such, the separation distance between the rear of No 45 and the proposal would be insufficient.
8. Although overlooking into neighbouring windows and gardens can be relatively common in residential areas, the extent of overlooking in this case would be substantial and would diminish the quality of the amenity space provided. Furthermore, the existing planting cannot be regarded as a permanent form of screening and could be removed by future occupiers. Although the garden area previously formed the garden of 16 Daventry Road, the proposal would create a new relationship with neighbouring development and would in contrast place most of its private garden space close to neighbour's windows. Mitigation in the form of boundary fencing and new landscape screening would be of insufficient height to provide suitable screening. Accordingly, conditions to retain existing screening or secure new screening would not address these concerns.
9. The proposed dwelling would provide two levels of accommodation and have a combined floor area of around 47 sqm. The Council identify that the dwelling would fail to comply with the Nationally Described Space Standards, requiring 70sqm (for 3 people), but acknowledges that it has not adopted these standards formally. As such, I can only afford limited weight to the proposal's breach of these requirements.
10. The two-bedroom dwelling could be occupied by 3 to 4 people. The upper floor would contain a second bedroom and wet room. Being within the roof-space, some parts of the bedroom and wet room have constrained headspaces, with parts being between 2 metres and 0.9 metres. The living space and kitchen seem small for the number of bedrooms and the unit would have no dedicated space for storage. Furthermore, other than the ground floor WC, the only washing facilities would be provided by the wet room accessed through the second bedroom. This arrangement and the general size of the unit would compromise the use of the home and prevent it from functioning well. As a result, the size and arrangement of internal space, would be compromised and create a poor standard of accommodation for future occupiers.

11. The appellant asserts that the use of the first floor is no different to that undertaken when a roof-space is converted and could be undertaken if a bungalow was approved on the site. However, revised versions of the proposal are not before me, and no bungalow exists on site to represent a potential fall-back position.
12. Consequently, the proposal would provide poor-quality living conditions for future occupiers with regard to privacy within the garden and in terms of the limited size of accommodation. The proposed dwelling would therefore conflict with CS policy CS.9 and the Council's Development Requirements SPG [2019], the requirements of which are set out above.

Other Matters

13. The site is within the built-up area boundary of Southam. It is well located for future occupiers to gain access to goods and services. The site is therefore well located and would meet the Council's spatial housing policy that seeks to promote the organic growth and sustainment of existing settlements and services and to maximise the use of public transport. The small dwelling would also diversify, to some extent, the type of house types in the area and make efficient use of an overgrown pocket of land. These benefits weigh in favour of the proposal.
14. The proposal has been found by the Council to be acceptable in principle, being located within the settlement, and of suitable design and in providing suitable parking provision. The Council has also confirmed that the proposal would not affect the living conditions of adjacent neighbouring occupiers. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
15. It is noted that the case officer for the planning application provided supportive comments during consideration of the application. Although it is important to provide consistent advice to an applicant, these comments could only be considered to be informal prior to a final decision being made by the Council.

Conclusion

16. For the reasons given above, and having had regard to all other matters raised, the benefits of the scheme do not indicate support for a proposal that has been found to not accord with the development plan when taken as a whole. Consequently, the appeal should be dismissed.

Ben Plenty

INSPECTOR