



Appeal Decision

Site visit made on 7 February 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/J3720/D/24/3353795

21 Bush Heath Lane, Harbury, Leamington Spa, CV33 9NF

- 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 Mrs A Lewis against the decision of Stratford-on-Avon District Council.
 - The application Ref is 24/01352/FUL.
 - The development proposed is demolition of existing single storey extension to the rear of the existing house. Construction of a two storey extension to the rear of the existing house. New window to the front of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A previous application¹ for a rear extension was withdrawn. The proposal the subject of this appeal is for an extension situated further away from the shared rear boundary between Number 21 Bush Heath Lane and 23 Bush Heath Lane than was previously proposed.

Main Issue

3. The main issue in this case is the effect of the development on the living conditions of the occupiers of Number 23 Bush Heath Lane with regards to outlook.

Reasons

4. The appeal property is a gable-fronted two-storey brick-built mid-terrace dwelling. It is set well back from the road behind a grass verge and front garden/parking area and has a garden to the rear.
5. The appeal property is located in a residential area characterised by the presence of two-storey detached, semi-detached and terraced brick-built dwellings. Houses along the same side of Bush Heath Lane as the appeal dwelling tend to be set well away from the road behind grass verges and gardens and have gardens to the rear. The presence of gardens, hedgerows and verges provides for a green and spacious environment.
6. During my site visit, I observed that many dwellings in the area have been altered and/or extended and that such changes tend to appear in keeping with the

¹ Reference: 24/00877/FUL.

appearance of host dwellings and the surrounding area. Both the appeal dwelling and its attached neighbour to the south, Number 23 Bush Heath Lane, have single storey extensions to the rear.

7. The proposed development would introduce a two-storey extension to the rear of the appeal dwelling. This would project to the rear, considerably beyond the single storey extension to the rear of No 23.
8. Whilst the proposed development would be set a small distance away from the appeal dwelling's shared boundary with No 23, I find that together, its projection, two-storey height and close proximity would result in the extension appearing to loom above No 23's rear garden to an overbearing degree.
9. The scale and proximity of the proposal would result in it drawing attention to itself as an unduly tall, blank brick wall and I consider that it would dominate the outlook from No 23, including from that part of its rear garden closest to the house.
10. The harm arising from the above would be exacerbated as a result of the proposal inevitably resulting in some, albeit small reduction in the amount of daylight reaching the rear of No 23. Whilst the effect of this alone would not be so significant as to justify the dismissal of this appeal, it is a factor that would add to the overbearing impact of the proposal when seen from this neighbouring property.
11. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of Number 23 Bush Heath Lane, with regards to outlook, contrary to the National Planning Policy Framework; to Policies CS.9 and CS.20 of the Stratford-on-Avon District Core Strategy (2016); and to the Council's Development Requirements Supplementary Planning Document (2019), which together amongst other things, seek to protect residential amenity.

Other Matters

12. In support of the proposal, the appellant refers to an existing extension at Number 19 Bush Heath Lane. However, the circumstances relating to that development are not so similar to those relating to the appeal before me as to provide for direct comparison.
13. Notwithstanding this and in any case, I have found that the development results in significant harm and this is not something that is mitigated by the presence of another development elsewhere.
14. I note that the proposal would provide for additional living space. This is a factor that stands in favour of the proposed development but which does not outweigh the identified harm.

Conclusion

15. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR