



Appeal Decision

Site visit made on 22 April 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/T3725/D/24/3348909

13 Damson Road, Hampton Magna, Budbrooke, Warwickshire CV35 8TH

- 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 B Field against the decision of Warwick District Council.
 - The application Ref is W/24/0375.
 - The development is Proposed First Floor Rear Extension and Internal Alterations.
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Decision

1. The appeal is allowed, and planning permission is granted for Proposed First Floor Rear Extension and Internal Alterations (Retrospective Application) at 13 Damson Road, Hampton Magna, Budbrooke, Warwickshire CV35 8TH in accordance with the terms of the application, Ref 24/0375, subject to the conditions in the attached schedule.

Preliminary Matters

2. From my site visit it was apparent that the appeal development has been fully completed in accordance with the proposed floor plan and elevations drawing BF 20-5, with minor variation to the sub-division pattern of the bi-fold doors to the kitchen area, from four opening leaves to three opening leaves.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbours with regards to privacy.

Reasons

4. The appeal property, 13 Damson Road (No.13), is a two-storey residential dwelling situated within an estate of similar properties constructed in the late 1960's and early 1970's, on the site of the former Royal Warwickshire Regiment barracks, and which now forms the 20th century village of Hampton Magna. The village sits within the Green Belt, though it is excluded from the designation and is categorised as a 'growth village envelope' within the Warwick District Council's Local Plan 2011-2029 (adopted 2017) (the Local Plan) and lies approximately one and a half miles due west of the town of Warwick.
5. Properties in the area are constructed from a mix of materials with a predominance of brick, of varying shades, and rendered wall finishes particularly within the area of the appeal property. The property previously received approval for single-storey

extensions to its front and rear elevations, and for the rendering of its external walls, which has been enacted.

6. The front elevation of the appeal property faces Damson Road. However, it is angled to the road. To the rear of the property is its' garden and beyond that, the gardens of properties on Hayward Close to the north. The Hayward Close properties are constructed parallel with their highway, resulting in the rear elevations of the properties on the two roads being angled in relation to each other, rather than being parallel. The distance between the front elevations of the properties and the highway on both Damson Road and Hayward Close differ, creating wide variations in the distances between rear elevations of the properties, which results in complex existing relationships. The properties on Damson Road are also at a slightly raised elevation compared to those on Hayward Close.
7. The appeal development has introduced a two-storey extension to the property's rear elevation, which takes the form of a stepped gable. The previously approved single-storey rear extension protrudes further into the garden area at ground level. This arrangement has broken down the mass of the development, reflecting elements of the form of the neighbouring rear facing two-storey gabled extension carried out at No.11 Damson Road (No.11), with which it is closely related.
8. The development provides for the creation of two new bedrooms, each having a window located within the new gables. These new windows currently have vertical strips of obscuring film applied intermittently to the internal face of the glazing, such that only 10 to 15mm wide sections of clear glass are visible, the film obscuring all other views out of the windows.
9. The Council has a Residential Design Guide Supplementary Planning Document (SPD) which identifies recommended minimum distances of windows to habitable rooms between properties. For two-storey development facing each other it recommends 22m as a separation distance. However, this is for properties which are parallel to each other. The document has no specific recommendations where properties are angled to one another.
10. The appellant has identified the distances between the windows to the new bedrooms on the first floor of the development, and the rear of the properties on Hayward Close. These range from around 19.4m to 21.2m, between No.13 and No.4 Hayward Close, the nearest property. Distances between No.13 and the rear elevations of the properties at No.'s 5 and 6 Hayward Close would be both progressively longer, and at more oblique angles to No.13, with consequently diminishing levels of potential effect. The distance from No.13 to the rear of No.3 Hayward Close at around 27.6m, is significantly longer than recommended in the SPD.
11. Whilst the above distances are generally shorter than the 22m recommended in the SPD, the angle of the properties relative to one another reduces the potential for harm. The distances are also consistent with the pattern of development in the area, the rear extension at No.11 having a separation distance of around 19m from its nearest neighbour to the north on Hayward Close, which was approved in 2001 under the same 22m separation distance guidance. I therefore find the separation distances to be acceptable.
12. Turning to the intermittent obscuring film on the windows, bedrooms are habitable rooms, and it is often the case that, in addition to sleeping accommodation, they

are also used for study or working from home. Therefore, it is not suitable for such habitable rooms to have such a restricted outlook, as it has a confining effect that could compromise the living conditions of existing and future occupants. As I have found the separation distances to be acceptable, the retention of the intermittent obscuring film is not required to maintain privacy between properties.

13. For the above reasons I conclude that the development does not harm the privacy of adjacent neighbours. It therefore follows that I do not find the development to conflict with Policy BE3 of the Local Plan, which requires, amongst other things, that development does not to have an adverse impact on the amenity of nearby residents and provides acceptable standards of amenity for future users and occupiers of the development.

Other Matters

14. Concerns have been raised by several residents. I have already addressed the majority of these in the main issue. However, in addition, it was asserted that the extent of appeal development would not provide sufficient amenity space for future occupiers. The SPD requires 60 Sq.m. for a 4-bedroom property. The appeal development provides 73 Sq.m. of amenity space and would therefore meet the recommendations of the SPD.
15. I am satisfied that the relationships between the height of the appeal development, coupled to the separation distances between and relative angles on plan, of the appeal property and neighbouring properties on Hayward Close, are such that the potential for impacts on natural light to the neighbouring properties from the development is severely restricted. This relationship, together with the modelling of the rear elevation of the appeal development, also limits any potential effects on the outlook from the neighbouring properties resulting from the development.
16. The appeal property can accommodate the three parking spaces required to demonstrate compliance with policy TR3 of the Local Plan. The appellant has also demonstrated compliance with policy NZC4 of the Council's Net Zero Carbon Development Plan Document (DPD) and therefore the development accords with Policy CC1 of the Local Plan.

Conditions

17. Condition 1 is necessary for the avoidance of doubt and in the interests of clarity, whilst Condition 2 is necessary to ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Local Plan.

Conclusion

18. For the reasons set out above, I conclude that the appeal development accords with policies within the Local Plan, and that there are no other material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. The development permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan; Proposed Floor Plans and Elevations - BF 20-05 and the specifications contained therein.
2. Within 3 months of the date of this decision, a scheme for the provision of two bat boxes to be erected on buildings within the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of box type, location and method of installation. Within 2 months of the approval of the submitted scheme, the boxes shall be installed and maintained in perpetuity.

***** End of Schedule *****