

Appeal Decision

Site visit made on 8 November 2016

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th November 2016

Appeal Ref: APP/W3710/D/16/3156892

129 Tresillian Road, Exhall, Coventry CV7 9PP

- 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 Raj Sahota against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034192, dated 15 June 2016, was refused by notice dated 26 July 2016.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 129 Tresillian Road, Exhall, Coventry CV7 9PP in accordance with the terms of the application, 034192, dated 15 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: 25/05/16 Rev A.
 - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the impact of the development on the living conditions of the occupiers of No. 127 Tresillian Road with particular regard to the oppressive sense of enclosure and loss of light.

Reasons

3. The appeal property is a detached bungalow that occupies a corner position at the junction of Tresillian Road and Trenance Road. It is set back from the road with a spacious rear garden and a driveway at the rear off a private access road. The appeal property and the detached bungalow immediately to the east at No. 127 Tresillian Road (No. 127) are staggered and set in a mature well-established residential area.
 4. The proposal would entail the construction of a single storey extension that would replace an existing conservatory and would project out by approximately 4m from the rear elevation of the property. The extension
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would adjoin and mirror the dwelling's existing single storey extension providing a combined extension measuring approximately 7m from the original rear elevation of the main house. It would have a dual pitched roof with a maximum eaves height of about 3m and a maximum ridge height of about 5m. The proposal would be set back from the side boundary by approximately 1m and be separated from No. 127 by a 2m high fence and the garden area at the rear of the adjacent property.

5. Evidence provided by the Council shows that the proposed extension would breach the 60 degree line from the mid-point of the nearest ground floor windows of the habitable rooms at the rear of No. 127. However, whilst I accept that there would be some impact from the proposal, given the modest overall increase in size and the design of the proposed extension, the separation distance between the properties and the orientation of the buildings, I consider the proposed extension would not significantly reduce the amount of light reaching the main habitable rooms at the rear of No. 127 nor dominate the views to cause an unacceptable sense of enclosure in the rear garden of No. 127. The outlook at the rear of No. 127 is already toward the side elevation of No. 129 and as such, the relationship between the proposed rear extension and adjacent property would not be significantly materially different to the existing situation on the site.
6. I note the appellant's comments about larger single storey rear extensions being allowed under permitted development. However, as this fall back position does not apply in this instance, it is not a material consideration to which I can attach significant weight in making this decision.
7. Overall, however, I conclude that the proposal would not result in significant harm to the living conditions of the occupiers of No. 127 with particular regard to the oppressive sense of enclosure and the loss of light. Despite a technical breach of the 60 degree line guidance, given the site specific circumstances, I conclude that the development would accord with the overall amenity aims of Policy ENV14 of the Nuneaton and Bedworth Borough Local Plan 2006 and Residential Design Guide 2004. This policy and guidance seeks to secure a high standard of design that ensures development would not adversely affect the amenities of nearby properties and the locality in general.

Conditions

8. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard time limit condition, I have specified the approved plan as this provides certainty. In order to protect the character and appearance of the area, I have also imposed a condition requiring that the external surfaces in the construction of the proposed extension match those of the existing property.

Conclusion

9. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR