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## Appeal Decision

Site visit made on 9 May 2017

**by Amanda Blicq BSc (Hons) MA CMLI**

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

**Decision date: 12 June 2017**

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**Appeal Ref: APP/U4610/D/17/3171246**  
**3 Castle Close, Coventry CV3 5JA**

- 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 Jamal Uddin against the decision of Coventry City Council.
  - The application Ref HH/2016/2780, dated 11 November 2016, was refused by notice dated 26 January 2017.
  - The development proposed is two storey rear extension and single storey front extension.
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### Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension and single storey front extension at 3 Castle Close, Coventry CV3 5JA in accordance with the terms of the application, Ref HH/2016/2780, dated 11 November 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 following approved plans: AL(P)00; AL(P)01; AL(P)02 Rev B<sup>1</sup>; AL(P)03 Rev B; AL(P)04 Rev B.
  - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The development hereby permitted shall not be occupied until the window of bedroom 3 has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

### Procedural Matters

2. The evidence before me indicates that there were revisions to the proposals during the application and there are inconsistencies in the officer's report with regard to the description of the development compared to those drawings.

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<sup>1</sup> Dwg. Titled AL(P)02 Rev A, Rev B dated 7.12.16

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However, I have confirmed with the main parties that the drawings upon which the appeal is to be determined are those listed on the decision notice. It is upon these drawings that I have based my reasoning.

3. The Council has submitted their emerging Local Plan 2016<sup>2</sup> as part of their evidence. However, the policies cited in the reasons for refusal and referred to in the officer's report are saved policies from the Unitary Development Plan<sup>3</sup> (LP). As there is nothing in the evidence before me to indicate that there are policies relevant to this appeal in the emerging Local Plan 2016, I have not taken it into account in my reasoning.
4. During the appeal I queried whether the Council had submitted the most recent version of the SPG<sup>4</sup>. However, a newer version was not submitted within a reasonable time period and consequently I have used the version submitted in my reasoning.

### **Main Issue**

5. The main issue is the effect of the development on the living conditions of occupiers of 5 Castle Close (No 5), with particular regard to light and outlook.

### **Reasons**

6. The development comprises front and rear extensions to 3 Castle Close (No 3), which is a modest semi-detached dwelling on a quiet road of similar properties. As the Council's objections relate solely to the effect of the rear extension, I have confined my reasoning to this element of the development.
7. Number 3 is perpendicular to two dwellings whose rear elevations partially oppose No 3's flank wall. The Council argues that No 3's proposed rear extension would enclose the rear garden of 5 Castle Close (No 5) to a significant extent, causing a loss of light and outlook. The Council also states that No 5's rear facing habitable windows would be 9 metres from the extension.
8. The evidence before me indicates that No 5 has a small rear projection, extending along part of the rear elevation. This projection has a door and a small window and although I am unable to assess its use with any certainty, its size and position point towards its use as a kitchen extension. The extension would partially oppose this kitchen projection at a distance of some 9 – 10 metres.
9. All other habitable windows are on the original rear elevation and would be 12 metres from the extension which in any case is a continuation of No 3's flank wall<sup>5</sup>. This is compliant with the SPG with regard to separation distances.
10. I concur with the Council that the extension would intrude into views from No 5, and it would represent a significant lengthening of the existing flank wall. However, of the two first floor rear windows at No 5, the one that would be directly opposite the extension has obscure glazing, indicating that it is bathroom. The outlook from the other window would not be significantly affected by the development. Furthermore, I am not satisfied that there would

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<sup>2</sup> Coventry Local Plan 2016

<sup>3</sup> City of Coventry, Unitary Development Plan, December 2001

<sup>4</sup> City of Coventry, Design Guidance for New Residential Development, July 1991

<sup>5</sup> Scaled from Dwg. AL(P) 00 and reviewed at the site visit

be a significant loss of outlook from the window of the kitchen projection which in any case faces a tall boundary fence between it and No 3.

11. Moreover, the lateral separation between No 5 and adjacent dwellings allowed me to assess No 5's existing outlook from the public domain. I noted that its outlook would remain primarily open with views across the rear gardens of other dwellings. The extent of openness in outlook from the first floor of No 5 would be similar to that from the rear of 4 Castle Close, which also partly opposes No 3 but which is described in the officer's report as having an open outlook.
12. As such, I disagree with the Council that No 5 would be completely hemmed in, as the extension would not extend across the full width of No 5's rear boundary. Although there would be some additional enclosure to the outlook from No 5, I am not satisfied that it would have such an adverse effect on the living conditions of its occupiers, to warrant dismissal of the appeal.
13. The Council cites the effect of the development on light for occupiers of No 5 in the reasons for refusal, but this is not mentioned in the officer's report. Given the relative positioning and orientation of Nos 3 and 5, the development would not cause significant additional overshadowing. Furthermore, I am not satisfied that the extension would be so close to No 5 as to affect the entry of diffused daylight. As such, I conclude that there would be no significant loss of light for occupiers of No 5.
14. Consequently, the development would not be contrary to LP Policy H4 which requires extension to residential properties to respect the local character and street scene of the area. Nor would it be contrary to Paragraph 17 of the National Planning Policy Framework which states that development should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

#### *Conditions*

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty.
16. I have also imposed a condition requiring the materials used for external surfaces to match the host dwelling in order to safeguard the character and appearance of the area, and a condition requiring obscure glazing and fixed lights below 1.7 metres in bedroom 3. This is to prevent the overlooking of neighbouring dwellings noted in the officer's report. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

#### **Conclusion**

17. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

*Amanda Blicq*

INSPECTOR