
Appeal Decision

Site visit made on 20 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/W3710/D/17/3169775

28 Mount Drive, Bedworth, Warwickshire CV12 8QL

- 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 Mrs Faye Latham against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 034482, dated 26 October 2016, was refused by notice dated 17 January 2017.
 - The development proposed is a first floor extension to rear.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension to rear at 28 Mount Drive, Bedworth, Warwickshire CV12 8QL in accordance with the terms of the application, Ref 034482, dated 26 October 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 plan: Sheet 2 of 2 proposed first floor extension to rear 2016 dated 21-12-16.
 - 3) The development hereby permitted shall be carried out in materials to match those on the existing dwelling.

Main Issue

2. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 26 Mount Drive, in respect of loss of outlook and daylight.

Reasons

3. The appeal property is a semi-detached dwelling with an existing single-storey flat-roofed extension to the rear. No 26 is an unattached dwelling to the west, separated by a gap of approximately two metres.
 4. Both houses have original ground floor side-facing windows. In the case of No 26 this looks directly out towards the side elevation of the appeal property. It serves a dining area which is connected to a kitchen that benefits from an existing rear facing window. The Council have concluded that the side window represents a primary source of light to the dining area. Despite the semi-open plan layout here, I concur.
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5. However, the existing side elevation of No 28 already significantly affects the outlook and daylight received at this window. The proposed addition would be above the existing ground floor extension to the rear of No 28, and would therefore not have a materially harmful effect on the daylight received or a dominating or enclosing effect on the existing dining room window.
6. Overall, I conclude that the proposed development would be acceptable, and would not harm the living conditions of the occupiers of 26 Mount Drive in respect of outlook or daylight. Therefore, I find no conflict with Policy ENV14 of the Nuneaton and Bedworth Borough Local Plan 2006 or paragraph 9.2 of the Residential Design Guide 2004, which, amongst other matters, seek to secure good design and safeguard the living conditions of neighbours

Conditions

7. In addition to the standard condition which limits the lifespan of the planning permission I have also specified the approved plan as this provides certainty. A condition relating to materials is necessary to ensure that the appearance of the extension would be satisfactory.

Conclusion

8. For the reasons set out above, I allow this appeal.

M Aqbal

INSPECTOR