
Appeal Decision

Site visit made on 5 July 2017

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 20 July 2017

Appeal Ref: APP/U4610/D/17/3175320
115 Butt Lane, Allesley, Coventry, CV5 9FB

- 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 Paul Froggett against the decision of the Coventry City Council.
- The application Ref HH/2017/0636, dated 9 March 2017, was refused by notice dated 4 May 2017.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 115 Butt Lane, Allesley, Coventry, CV5 9FB in accordance with the terms of the application, Ref HH/2017/0636, dated 9 March 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P/01, P/02, P/03 & P/04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the parent building.

Main Issue

2. The main issue is whether the extension would have a seriously overbearing and overshadowing impact on the neighbouring residential property at 117 Butt Lane and/or cause that property a significant loss of outlook.

Reasons

3. The appeal property has an existing single storey kitchen and conservatory rear extension. This extension is over 7m deep and projects well beyond a line drawn at 45 degrees from the centre of No 117's nearest ground floor window. The proposed extension would extend further beyond this line because it would be deeper and, at its furthest extremity, wider. It would therefore conflict with the advice in the Council's Supplementary Planning Guidance (SPG) on 'Extending Your Home', which says that the depth of a new single storey extension should not exceed either 3.3m or impinge on a 45 degree sightline

line drawn from the middle of the nearest window to a habitable room in the neighbours' property. The SPG says that it is permissible to use whichever guideline gives the greater depth. However, in the present case, the proposed extension would extend 9.2m to the rear of the property and extend well beyond the 45 degree line.

4. In interpreting the SPG it is important to recognise its limitations. First, it establishes guidelines rather than hard and fast rules. Second, it does not deal specifically with situations where a proposed rear extension would project beyond a wall that already infringes the guidelines. Third, the guidance does not take account of situations where there is a boundary fence or wall and the ground level rises away from the buildings.
5. In the case of the appeal property and its neighbour at No 117 there is a high boundary fence and the ground level on which the fence stands rises to the rear of the properties. Moreover, the application plans show that the proposed extension at No 115 would have the same floor level as the parent house. Consequently, it is likely that the rear part of the extension would be hidden from anyone looking towards it from within No 117's nearest ground floor room. Similarly, depending on whether the person was standing or sitting and on their height, the fence would screen it from the outdoor area immediately to the rear of No 117. The officer's report does recognise the fence's screening effect but it concludes, without giving evidence, that there would still be a significant loss of outlook to the affected window. I do not agree with this assessment.
6. Even if the rear part of the proposed extension was visible from the ground floor of No 117 the marginal effect of increasing the degree of projection over what exists at present would be limited. I am wary of discounting marginal effects because they can be decisive, but, in this case, I have also taken account of the screening effect of a boundary fence on rising ground. I conclude that the proposal would not cause a significant loss of outlook for No 117 despite the conflict with the guidance in the SPG. Similarly, I am satisfied that No 117 would not experience a seriously overbearing impact or be seriously overshadowed, and I conclude that the proposed development would not conflict with the objectives of saved policy BE2 in the Coventry Development Plan 2001 or those of the National Planning Policy Framework.
7. I note the concern of the neighbour at No 113 that the proposed extension would impinge on land not owned by No 115. This however is a matter of property rights rather than a planning issue.

Conditions

8. I consider that the substance of the suggested conditions is required in the interests of certainty and visual amenity. I have changed the wording in the third condition to refer to the parent building. The reference to the existing building in the standard questionnaire condition would be misleading given that part of the existing building is to be demolished.

George Arrowsmith

INSPECTOR