



Appeal Decision

Site visit made on 15 December 2020

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/W3710/D/20/3260586

The Olde Vicarage, School Lane, Bulkington, Bedworth CV12 9JB

- 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 Tony Minhas against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 037029, dated 2 March 2020, was refused by notice dated 26 August 2020.
 - 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 The Olde Vicarage, School Lane, Bulkington, Bedworth CV12 9JB in accordance with the terms of application 037029, dated 2 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Block plan; TM/5/1/02D; and, TM/5/1/03B.
 - 2) The boundary hedge immediately adjacent to the common boundary of the site with 1 and 2 Barbridge Close shall be retained at a height of no less than the finished height of the extension hereby approved for the duration of the development.

In the event that any part of the hedge lying alongside the extension dies, is removed or becomes seriously damaged or diseased, a scheme of compensatory planting or other measures to mitigate the visual effects of the development, shall be submitted to and approved in writing by the local planning authority. Thereafter the planting or mitigation scheme, including specified management measures, shall be implemented within the approved timescale and in accordance with the approved details for the duration of the development or until such a time an alternative mitigation scheme is agreed in that manner.

Procedural Matter

2. At the time of my site inspection a development similar to that shown on the appeal plans was substantially complete. For the avoidance of doubt, this appeal is determined on the basis of the plans as submitted with the planning application.

Main Issue

3. The main issue is the effect of the development on the living conditions of nearby residents.

Reasons

4. The development is a flat roofed extension located to the rear of previous extensions serving a large detached dwelling. The extension lies close to the side boundary of the site and, according to the submitted plans, over 1.3m from the rear boundary. The plans show the extension to be slightly larger than 3.7 x 12.9m with an overall height of some 2.9m.
5. To the north of the site lies Barbridge Close. The location of the extension lies close to the common boundary forming the end of the rear gardens of 1 and 2 Barbridge Close, which are true bungalows. The boundary here consists of a high close board timber fence. Within the appeal site the screening effect of the fence is augmented with an evergreen hedge which exceeds the height of the extension. The height and thickness of the hedge are such that views of the development are extremely limited and I have little doubt that the rear outlook of the bungalows remain substantially unchanged as a consequence.
6. The hedge is long established and pre-dates the development. Due to its height, I also have little doubt that it is the dominant part of the rear outlook from the bungalows and, being located almost due south, would cause some overshadowing of their respective rear garden areas.
7. Although the extension lies at a shorter distance than the guideline of 12m advocated in The Nuneaton and Bedworth Sustainable Design and Construction Supplementary Planning Document (2020), the effect of the hedge and fence on light and aspect are currently greater than any effect attributable to the extension.
8. The hedging appears well established and at the time of my site inspection there was little evidence of any significant impact to its health arising from the construction of the extension. However, the Council's concerns in relation to the continued health and longevity of the hedge are legitimate. The harsher effect of an unscreened development would create a poorer outlook from the bungalows and a harsh aspect within the rear amenity spaces.
9. However, in accordance with the approach advocated in Paragraph 54 of the National Planning Policy Framework (the Framework), a planning condition requiring the retention of the hedge and/or compensatory measures to limit the visual effects of any exposed upper part of the walls in the event the hedge were to fail, could secure an equivalent level of mitigation to preserve the standard of living conditions of neighbouring occupiers.
10. The extension does not include windows which directly address adjacent residential properties. Accordingly, even if the boundary hedge were to fail, no significantly greater effect on living conditions by way of overlooking or loss of privacy would arise.
11. For those reasons, I find that the proposal does not cause harm to the living conditions of neighbouring residents through impacts on light or aspect. It is therefore consistent with the requirements of Policy BE3 of The Nuneaton and

Bedworth Borough Plan 2011-2031 as it seeks sustainable design that, amongst other things, considers residential amenity.

Other Matters

12. I note the concerns of the neighbour in respect to the effect of the development on accessibility for the maintenance of the boundary hedge. However, I am satisfied that the offset position from the boundary and depth of the hedge are such that maintenance of the hedge could be achieved from within the appeal site.
13. The Council did not oppose the development in relation to potential noise effects. On the evidence before me, I have no reason to reach a different conclusion for the intended residential use of the extension.

Conditions

14. I have had regard to Paragraph 55 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. A condition relating to the development being carried out in accordance with the approved plans is necessary to provide certainty.
15. A condition requiring retention of the screen hedge and measures to compensate it should it fail is reasonable and necessary to ensure the continued visual mitigation of the development.

Conclusion

16. For the above reasons, I conclude that the appeal should be allowed.

R Hitchcock

INSPECTOR