
Appeal Decision

Site visit made on 2 June 2021

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2021

Appeal Ref: APP/W3710/D/21/3270243

13 Buttermere Avenue, Nuneaton, CV11 6EP

- 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 James Andrews against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 037571, dated 8 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a two-storey extension to front and first floor extension to side.
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Decision

1. The appeal is allowed and planning permission is granted for a two-storey extension to front and first floor extension to side at 13 Buttermere Avenue, Nuneaton, CV11 6EP in accordance with the terms of the application, Ref 037571, dated 8 November 2020, 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: 8970-04 Rev A and 8970-010A Rev A.
 - 3) The external surfaces of the development hereby permitted shall be constructed using materials matching that of the existing building.

Preliminary Matter

2. The drawing numbers recorded by the Council on its decision notice do not match those on the plans provided with the appeal. For the avoidance of doubt, I have determined the appeal on the basis of the plan numbers contained on the plans themselves and listed in the condition above. In response to my query, the Council has provided the same plans but refers to them as drawings 8970-04E and 8970-010H.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring occupants at 17 and 19 Burnham Rise, with particular regard to overbearing impacts.

Reasons

4. The appeal property is a detached dwelling on a residential estate surrounded by other houses of varied character and appearance. Like many of the properties in the surrounding area, the appeal property has been subject to

previous extensions and alterations. However, its general form and appearance remains consistent with other properties.

5. The proposed development involves a side extension over an existing single storey element of the house. The addition would be a similar height to the existing two storey house, protruding further forward within the plot that at present and incorporating a dormer window. It would stand close to the site boundary, separated only by the side pedestrian access, and would consequently be visible from the rear of 17 and 19 Burnham Rise, which stand perpendicular to the appeal property.
6. Whilst visible, the additions would be around 15m from the rear elevation of No 19, which directly faces the appeal property. This distance is in excess of the 14m sought by the Council in its Sustainable Design and Construction Supplementary Planning Document (SPD) (2020) and is sufficient to avoid any harmful overbearing impact or sense of enclosure having regard to the modest scale of the extension and otherwise open aspect enjoyed by the occupants of No 19. The effect at No 17 would be less still, given the oblique angle of the proposed development from its rear facing habitable rooms.
7. As such, the development would not unacceptably harm the living conditions of neighbouring occupants and I find no conflict with policy BE3 of the Borough Plan (2019) so far as it refers to residential amenity; or guidance contained in the Council's Sustainable Design and Construction SPD.

Other Matters

8. Although the appeal property would be larger as a result of the development, the design and appearance would not be inconsistent with the surrounding area, where many properties have had sizeable extensions and similar levels of separation between buildings is evident. There is no reason to expect that this scheme would set a precedent for future proposals in the area given the unusual characteristics of the appeal site. The Council would need to consider any future proposals on their own merits.
9. Given the scale of the proposed extensions, their orientation relative to the sun's daily path and the intervening space between properties, no harmful loss of light would result to neighbouring occupants, albeit that some additional overshadowing might occur to a small proportion of adjacent gardens at times.
10. No windows are proposed within the elevations facing neighbouring properties and any oblique views from new windows would not be dissimilar to the existing situation, or untypical of a residential estate of this type.
11. I have reached my conclusions, having regard to the personal circumstances of some neighbours and my responsibilities under the Public Sector Equality Duty. I am satisfied that persons with protected characteristics would not be unduly affected by the proposal.

Conditions

12. In addition to the standard time period for commencement, I have attached a condition requiring that the development be carried out in accordance with the submitted drawings in the interests of certainty. A condition is also attached requiring the use of external materials matching that of the existing building to ensure an appropriate appearance for the development.

Conclusion

13. In light of the above, the appeal is allowed.

Michael Boniface

INSPECTOR