



Appeal Decision

Site visit made on 28 September 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/W3710/D/21/3272656
271 Plough Hill Road, Nuneaton CV10 9NZ

- 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 Dean Makepeace against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 037663, dated 22 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is an extension to outbuilding to form gym and home office.
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Decision

1. The appeal is allowed and planning permission is granted for an extension to outbuilding to form gym and home office at 271 Plough Hill Road, Nuneaton CV10 9NZ in accordance with the terms of the application, Ref 037663, dated 22 December 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: 205.01 (Existing Plan and Elevations, Block and Location Plans) and 205.02 (Proposed plan and elevations).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 205.02.
 - 4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 271 Plough Hill Road, and shall at no point be used as a separate dwelling unconnected to the existing residential property.

Procedural Matters

2. I have used the description of development from the planning application form in the banner heading and my formal decision above. The Council used a different description on the decision notice, and the appellant used a different description again on the appeal form. However the original wording provides an accurate and adequate description of the proposal, so I have used it here in preference to either of the alternatives put forward later.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The amendments which were made to the Framework have not had a

significant bearing on the most relevant issues in this appeal. I am therefore satisfied that there is no requirement for me to seek further submissions on the revised Framework, and that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the July 2021 version.

Main Issue

4. The main issue is the effect of the proposed development on living conditions for occupiers of the neighbouring property at 251 Plough Hill Road, with particular regard to whether or not it would lead to an unacceptable sense of enclosure in the rear garden.

Reasons

5. The appeal property is a 2-storey detached house on the west side of Plough Hill Road, at a point where the land rises gently to the north and west. The long rear garden slopes up gradually away from the house, and contains several small detached outbuildings. The largest of these is a shallow brick building along the northern site boundary, which at the time of my site appeared to be primarily used as a utility and storeroom. The proposal is the enlargement of this outbuilding by adding two new rooms, to be used as a gym and a home office, to its western end. The extension would be longer, deeper and taller than the existing building, although it would have the same single pitched roof form. Because of the rising land from front to rear of the site, the extension would also be at a higher level than the existing building, and the two parts would be connected internally by a short series of steps.
6. The neighbouring property to the north is the semi-detached house No 251 Plough Hill Road. It has a generously sized rear garden, of a similar width to that of the appeal property although not so long, and it too contains various outbuildings. Because of the way the land rises across the appeal site and its neighbours to the north, the ground level in the rear garden of No 251 is a little above that of No 271.
7. The rear wall of the extension would stretch around 10m along the boundary with No 251, and seen from the neighbouring garden would be around 3.8m high. The Council's 2020 Sustainable Design and Construction Supplementary Planning Document ("the SPD") advises among other things that any single storey extension near the boundary of "an adjoining usable rear private amenity space" – in other words in this case, the rear garden of No 251 – should be less than 4m long. The SPD explains that this is to ensure that extensions do not have an unacceptable effect on outlook or sunlight and daylight, or lead to an oppressive sense of enclosure, for adjoining habitable rooms or gardens.
8. Given its length, the proposed extension would not comply with this element of the SPD guidance. However, because of the generous size of No 251's garden, and the way in which the ground level continues to rise gently to the north away from the appeal site, the actual impact of the proposed extension on the rear garden would be limited. It would not therefore lead to there being a harmful or oppressive sense of enclosure in the rear garden of No 251. I note also that as no windows or doors are proposed which would face No 251 there would be no harm to privacy in the neighbouring garden. Taking these points

together, although the proposed development would not comply with every element of guidance in the SPD, in my view the extension would not reduce the usefulness of the rear garden of No 251 as a private amenity space. The *aims* of the SPD in this respect would therefore be satisfied. Furthermore, and while it is not a determinative factor, I note also that the occupier of No 251 did not raise any objections to the scheme.

9. The proposed extension would be some distance from the rear elevation of the main dwelling of No 251, and consequently there would be no loss of outlook from, or reduction in daylight or sunlight reaching, any of the habitable rooms in that house. No concerns were raised in respect of harmful impacts on living conditions for occupiers of other neighbouring properties, and none of the evidence before me or my observations on site leads me to a different view.
10. Notwithstanding the limited conflict with the SPD, I conclude that the extension would not cause unacceptable harm to living conditions for occupiers of No 251 Plough Hill Road. The proposal therefore complies with Policy BE3 of the 2019 Nuneaton & Bedworth Borough Plan which seeks to ensure that development is well-designed and, among other things, protects residential amenity.

Conditions

11. I have considered the conditions suggested by the Council in the light of paragraph 56 of the Framework and advice in the Planning Practice Guidance. Where necessary I have altered the proposed wording in the interests of clarity and effectiveness.
12. As well as the standard time limit condition (1), I have specified the approved plans to provide certainty (2). In order to protect the character and appearance of the area I have imposed a condition in respect of external materials (3). However, rather than use the wording suggested by the Council I have instead linked that condition to the approved plan, as this specifies materials for roofing, walling and rainwater goods to match the existing extension, but specifies windows and doors to match the existing dwelling. This provides greater clarity. Finally, given that the proposed extension would create a unit which could potentially be used as self-contained living accommodation, a condition preventing it being used other than as ancillary to the main dwelling (4) is necessary to protect neighbours' living conditions.

Conclusion

13. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector