



Appeal Decision

Site visit made on 12 April 2022

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/W3710/D/22/3292287

68 Dalton Road, Bedworth, Warwickshire, CV12 8SF

- 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 Lewis Jones against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref 038499, dated 18 November 2021, was refused by notice dated 4 February 2022.
 - The development proposed is single story rear kitchen extension.
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Decision

1. The appeal is allowed and planning permission is granted for single story rear kitchen extension at 68 Dalton Road, Bedworth, Warwickshire, CV12 8SF in accordance with the terms of the application, Ref 038499, dated 18 November 2021, and the plans submitted with it, 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 strict accordance with the following approved plans: Dwg Nos: 1–Existing Plan, 2–Proposed Plan, 3–Existing Elevations, 4–Proposed Elevations, Amended Maps.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of occupiers of 70 Dalton Road, with particular regard to light and outlook.

Reasons

3. The appeal property is a semi-detached house in a housing estate comprising a mix of similarly designed semi-detached and detached houses. There is an existing rear ground floor flat roofed kitchen extension. The proposal is to replace the existing extension with a 3.5m deep single storey single pitched roof extension close to the boundary with the neighbouring house, No 70. No 70 has a pair of glass doors opening onto its back garden close to the boundary with the appeal property, which comprises a 2m high close board fence.
4. The appellant has planning permission for a 3m deep single storey rear extension. The application subject of this appeal is to extend it by a further

0.5m, to avoid a water pipe discovered during construction of the approved extension. Section 11.9 of the Council's Sustainable Design and Construction Supplementary Planning Document (2020) (SPD) advises that single storey extensions should be less than 4 metres long close to a boundary, as is the case with the proposed development. However, it also states that development should not infringe a line drawn at 60 degrees from the centre point of the window of an adjacent habitable room. Such guidance is generally used to assess the impact of a proposal on light to an adjoining property. In this case, the proposed development would extend beyond a 60 degree line from the centre point of No 70's glass doors.

5. The Council acknowledge that the 60 degree line was breached in the previously permitted application but note that it would have been permitted development and so was acceptable. Given that the appellant had started construction, I have no doubt that the existing consent is a valid fall-back position and therefore accord it substantial weight.
6. The proposed development and the neighbours window are both south facing. Consequently, any loss of light and overshadowing would be limited and restricted to the afternoons. Increasing the depth of the extension by 0.5m from that which was permitted would not significantly reduce levels of sunlight to the neighbours' rear doors or worsen the outlook from them compared to the consented scheme. As such, whilst the proposal does not meet the requirements of the SPD, I do not consider that it would unduly harm the living conditions of occupiers of No 70 and there would be no conflict with the aims of Policy BE3 of the Nuneaton & Bedworth Borough Plan (2019) which requires development to be of a high standard regarding residential amenity.

Conclusion and Conditions

7. For the reasons given above I conclude that the appeal should be allowed.
8. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.

P D Sedgwick

INSPECTOR