
Appeal Decision

Site visit made on 10 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2023

Appeal Ref: APP/W3710/D/22/3303700

146 Hickman Rd, Nuneaton, Warwickshire CV10 9NG

- 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 Miss Michelle Hill against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 038713, dated 9 March 2022, was refused by notice dated 25 May 2022.
 - The development is retention of outbuilding to rear.
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Decision

1. The appeal is allowed and planning permission is granted for retention of outbuilding to rear of 146 Hickman Rd, Nuneaton, Warwickshire CV10 9NG in accordance with the terms of the application, Ref 038713, dated 9 March 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 1:1250 Location Plan, 1:500 Block Plan, Front elevation with dimensions and side elevation with dimensions received on 10 March 2022.

Procedural Matter

2. The Council's decision letter describes the development as retention of outbuilding. It is clear from the evidence provided and my site visit that the outbuilding had been erected at the rear of the site. I shall determine the appeal on this basis accordingly.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of the neighbouring property at No. 152 Hickman Road with particular regard to outlook.

Reasons

4. The appeal property at No. 146 Hickman Rd (No. 146) comprises of a two storey extended end of terrace property set within in a relatively spacious plot and a mature well-established pattern of residential development on the north-west side of Hickman Rd.
5. The development comprises of a detached outbuilding used as a garage within the rear garden of the appeal site. It has a timber external finish with a dual

pitched tiled roof with a ridgeline measuring about 3.8m in height. The outbuilding is set in from the common shared boundary at the rear of the two storey property at No. 152 Hickman Rd (No. 152) immediately to the south-east of the site. The appeal site is set down slightly lower than No. 152 due to the natural sloping topography of the site and the immediate surroundings.

6. The blank side elevation of the outbuilding is located opposite the garden and rooms at the rear of the adjacent property at No. 152. It is set back from the ground floor windows to the habitable rooms at the rear of No. 152 and is separated by a timber pergola and a high trellis structure with vegetation running along the common shared boundary between the properties.
7. The appellant indicates that the outbuilding replaces a previous building and structure on the same site, that was in poor condition. Be that as it may, based on the evidence before, in my view, the scale and form of the previous building was not as substantial as the development now before me and would have had a more limited impact on the living conditions of the neighbouring property. I therefore accord this matter moderate weight in making this decision.
8. The Council's Sustainable Design and Construction Supplementary Planning Document 2020 (SPD) states in the interests of protecting aspect and light, the blank wall of an extension directly facing the window of a habitable room of the same height shall be a minimum 12 metres apart (paragraph 11.7).
9. The Council Officer's Planning Committee report states the outbuilding is 10.7m away from the nearest ground floor window to a habitable room at the rear of No. 152. The appellant, however, considers that due to the historical development of No. 152, the outbuilding is 12.8m away from the original rear elevation of the property at No. 152. However, fundamentally these complications and the dispute between the parties over the difference in the figures are not crucial to my determination of the appeal. Paragraph 11.2 of the SPD states that the standards of amenity can be used flexibly, depending on house layout and on-site circumstances.
10. Whilst I accept that there would be some impact from the development, given the overall scale, design and layout of the development, set back, together with the site levels, boundary treatment and the separation distance between the properties, I consider that the outbuilding does not significantly dominate the views from habitable rooms to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 152. The outlook at the rear of No. 152 is already toward the timber pergola and high trellis structure and had been obscured by the previous outbuilding on the site, albeit to a more limited extent. The outbuilding is separated by the garden area and the boundary treatment at the rear of No. 152.
11. Consequently, I conclude that the development does not cause significant harm to the living conditions of the occupiers of the neighbouring property at No. 152 Hickman Road with particular regard to outlook. It is consistent with the overall aims of Policy BE3 of the Nuneaton and Bedworth Borough Plan 2019 and the Council's SPD. This policy and guidance seek, amongst other things, to ensure that development proposals and residential extensions are of a high quality design that provide acceptable levels of amenity for both existing and future residents.

Other Matters

12. I have noted the issues raised by the appellant regarding the way in which the development and the application was dealt with by the Council. However, these are material considerations to which I can attach only limited weight in making this decision.
13. I have noted the objections raised by third parties to the proposal. These include the impact on the amenities of neighbouring properties and the character of the area contrary to local and national planning policies, previous planning history of the site, potential future uses of the detached outbuilding and the retrospective nature of the development.
14. However, I have addressed the matters relating to the living conditions of the occupiers of the neighbouring property in the main issue above. The other matters raised did not form part of the Council's reason for refusal. I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal and can be dealt with by planning condition where appropriate. In addition, I have considered the appeal entirely on its own merit and, in the light of all the evidence before me, this does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

15. Having regard to the National Planning Policy Framework, and in particular paragraph 56, I have specified the approved plans as a planning condition as this is necessary to provide certainty.

Conclusion

16. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be allowed.

David Troy

INSPECTOR