



Appeal Decision

Site visit made on 3 April 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/U4610/D/23/3316784

470 Tile Hill Lane, Coventry CV4 9DY

- 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 Antony Bawden against the decision of Coventry City Council.
 - The application Ref HH/2022/2524, dated 5 September 2022, was refused by notice dated 12 January 2023.
 - The development proposed is a double storey side/ rear extension and single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form. However, the plans indicate a two-storey extension to the side and part of the rear, a single storey extension to the front and a single storey extension to the remainder of the rear. I have, therefore, determined the appeal on the basis of the proposed development as shown on the plan as submitted.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of No. 468 Tile Hill Lane (No.468), with particular regard to outlook and daylight.

Reasons

4. The appeal site is one of a pair of semi-detached dwellings within a street of similar dwellings. The neighbouring property at No.468 is sited adjacent to the appeal property with each dwelling having a driveway between. No.468 has two windows and a door at ground floor level, and two windows at first floor level in the side elevation facing towards the appeal property. At my visit the neighbour confirmed that the larger window and the door on the ground floor serve the kitchen and that this is the only window serving this room. The kitchen door is obscure glazed and a secondary source of light to the kitchen. The other windows serve non-habitable rooms such as the bathroom and landing on the first floor. Except for the kitchen window all the other windows are obscure glazed.
5. The Coventry City Council 'Extending Your Home Supplementary Planning Guidance', 2003 (SPG) provides advice on extending existing dwellings. The single storey extension to the front and the single storey extension to the rear,

- both comply with the relevant sections of the SPG, are appropriate in terms of design and do not have an adverse effect on the living conditions of the neighbouring properties.
6. The proposed two-storey side and rear extension is set back from the front elevation at first floor and would have a hipped roof with a ridge height lower than the existing dwelling. However, the proposed extension would bring the appeal property approximately 0.5m from the boundary with No.468 and extend two-storeys high for a depth of approximately 4m beyond the rear elevation of both the appeal property and No.468.
 7. For rear extensions the SPG provides criteria recommending a 1m separation from the boundary of the site to protect the outlook from neighbouring properties. The proposed two-storey extension would not be set in by 1m from the boundary of the site and, therefore, would not comply with the part of the SPG relating to rear extensions.
 8. Although the outlook from the kitchen window of No.468 is restricted by the boundary fence and the proximity of the appellant's existing dwelling, the kitchen window does currently provide the occupiers with some sense of openness and space. The existing, limited, outlook would be almost entirely lost with the proposed development and the outlook from the kitchen window would be dominated by a largely blank, two-storey, brick wall. This would result in the 'tunnelling' effect the SPG seeks to resist and would be overbearing and oppressive.
 9. The limited existing outlook, including that the neighbour has chosen to use net curtains in the window, does not justify worsening the situation for the neighbouring occupants, even if they have not objected to the proposal. Due to the scale, mass and proximity of the extension the outlook from this window would be significantly reduced to the detriment of the living conditions of No.468.
 10. The SPG also advises that side extensions which adversely affect the only source of light to a habitable room window will not be acceptable and that rear extensions should not infringe the 45-degree line, as drawn from the middle of the window of the neighbouring property.
 11. According to drawing 01, revision C, the two-storey side and rear extension would significantly infringe on the 45-degree line of the kitchen window to No.468, contrary to the SPG. The scale and mass of the extension to the side and rear would substantially reduce the level of daylight available to this window and result in an adverse effect on the only source of light to a habitable room, contrary to the SPG.
 12. Although the appellant contends that the window has limited access to sunlight at the time of my visit the appellant's property was not casting a shadow on the windows of No.468. This demonstrates that daylight was available to the rooms these windows serve. Although the other windows on the side elevation of No.468 are obscure glazed, including the glazing in the kitchen door, the effect on the kitchen window, in terms of daylight would be significantly adverse.
 13. Moreover, the lack of objections from the neighbour, the current preferences of the neighbour to curtain their window, that there are other, larger, habitable

rooms in the neighbouring property, and that the neighbour has retained a storeroom and not extended their kitchen does not alter the need to maintain appropriate living conditions to this room. The kitchen is a habitable room, whether it is a hub of activity or not.

14. I, therefore, find that the scale and position of the two-storey side and rear extension would have a harmful effect on the living conditions of the occupants of No. 468 Tile Hill Lane, with particular regard to outlook and daylight. This, therefore, would be contrary to the requirements of Policy DE1 of the Coventry City Council Local Plan, 2017, which, amongst other matters, requires development to respond to the physical context of the site.
15. I also find that it would be contrary to the guidance in the SPG which seeks to ensure good standards of living conditions for neighbouring occupants, seeks to resist side extensions which adversely affect the only source of light to a habitable room and requires that extensions are designed in a way that would not seriously affect outlook.

Conclusion

16. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

K Townsend

INSPECTOR