



Appeal Decision

Site visit made on 31 July 2023

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/W3710/D/23/3320996

66 Meadowside, Nuneaton, Warwickshire CV11 6NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Blunden against Nuneaton and Bedworth Borough Council.
 - The application Ref 039342, dated 16 December 2022, was refused by notice dated 24 March 2023.
 - The development proposed is for the erection of a two storey front extension and two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development, as described on the application form, is for '*front and side extensions*'. The local planning authority (LPA) describes it as for the '*erection of two storey front extension and two storey side extension*'. I have used the latter description in the banner heading as it precisely describes the proposed development.
3. The LPA suggested that the appeal proposal might be viewed from the adjoining premises at No 68 Meadowside. The occupants were advised of the site visit and authority was sought for access to the garden area. However, no such authority was received and there was no-one at the premises at the time of the visit. However, I was able to assess the possible impact upon their outlook and loss of light from within the appeal property itself and from the highway.

Main Issues

4. The main issues are the effect of the proposed development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 68 Meadowside in terms of outlook.

Reasons

Character and appearance

5. The appeal site is in a residential area of mainly semi-detached, two-storey dwellings, set back from the highway with lawned frontages and individual vehicle driveways and also with rear amenity spaces. There are gaps between the dwellings, though several have single-story infills. Nevertheless, there are

views of trees and the sky above them. The gaps, even with single storey infills, add significantly and distinctively to the character and appearance of the area.

6. The proposed development is for a two-storey side extension to be constructed where there is currently an attached single storey garage, and which would extend beyond the rear elevation of the dwelling. It would take up most of the available space to the boundary with No. 68 Meadowside and would disrupt the pattern of gaps between the dwellings at first floor level and which form a positive design feature of the area.
7. The appellant has referred to an example in an adjoining road where a two storey, side extension has been built onto a similarly designed dwelling. However, this is an exception to the norm and helps to illustrate the adverse effect of the loss of gaps between dwellings. While I acknowledge the importance of consistency in decision making, I have no information before me relating to the circumstances leading to the construction of the quoted example. In any event, I have considered the appeal proposal upon its merits.
8. Therefore, I conclude that the proposed development would not accord with policy BE3 of the Nuneaton and Bedworth Local Plan (2019)(LP) which requires development to reflect local distinctiveness and character, with paragraph 13:10 of the Council's Sustainable Design and Construction Supplementary Planning Document 2020) (SPD) which aims to avoid intrusive development in the street scene, and with paragraph 130 of the National Planning Policy Framework (2021) (the Framework), which also requires new development to be of good design which reflects the local distinctiveness of the area.

Living conditions

9. The proposed two storey side extension would be constructed up to the boundary, bringing the host dwelling some 2.7 metres closer to the adjoining No. 68 Meadowside and to its side garden.
10. Paragraph 11.9 of the SPD, referred to by the LPA in relation to outlook, provides guidance as to how to meet the requirements of the LP in relation to policy BE3 which, amongst other things, refers to 'residential amenity'. The paragraph states that '*near the boundary of an adjoining usable rear private amenity space.... a two -storey extension or higher shall be less than 3 metres long*'. However, the section to which the paragraph refers is headed 'daylight, sunlight and privacy', whereas the issue is concerned not with these matters but with outlook.
11. However, even if it were to include outlook, the SPD states that its standards '*can be used flexibly, depending on the 'house layout and site circumstances*.(para 11.2).
12. In this case, the adjoining dwelling (other than its garage) is set in from its boundary with the appeal dwelling and with its main windows looking down the main length of its own rear garden, rather than towards the proposed extension to the appeal property.
13. For the above reasons and on balance, I conclude that the proposed extension would not cause significant harm to the living conditions of the occupiers of No. 68 Meadowside in respect of outlook and would not conflict with the SPD.

Other Matters

14. The occupant of the adjoining dwelling at No. 68 Meadowside considers that the proposed extension would lead to a loss of light to both the upstairs and downstairs rear elevation and to the patio and garden areas.
15. The appeal property already has a two storey elevation facing the adjoining dwelling. The proposed elevation, at approximately 2.7metres wide, would not increase the height of the dwelling and would not extend it to the rear. The appellant has produced an analysis to indicate that any additional overshadowing would be modest at worst, and only at certain times of the year and over only a small part of the garden. Furthermore, the LPA has not refused the proposed development based on the loss of light.
16. I do not find that the proposal would result in a significant loss of light to the neighbouring property and therefore, I do not consider that this matter outweighs my conclusions upon the main issue regarding outlook.

Conclusion

17. While I have concluded that material harm would not be caused to the occupants of the adjoining property in terms of overlooking or the loss of light, I have concluded that the proposed development would adversely affect the character and appearance of the area.
18. Therefore, for this reason, I conclude that the appeal should be dismissed.

S Hartley

INSPECTOR