



Appeal Decision

Site visit made on 27 June 2023

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2023

Appeal Ref: APP/U4610/D/23/3320244

92 Browns Lane, Coventry CV5 9DZ

- 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 Ms Binder Hayre against the decision of Coventry City Council.
 - The application Ref PL/2022/0000089/HHA, dated 27 November 2022, was refused by notice dated 26 January 2023.
 - The development proposed is rear single storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for rear single storey extension at 92 Browns Lane, Coventry CV5 9DZ in accordance with the terms of the application, Ref PL/2022/0000089/HHA, dated 27 November 2022, 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: Site Plan DWG No. A273 PL 100 Revision A and Plans DWG No. A273 PL 100 Revision A.

Preliminary Matter

2. The National Planning Policy Framework was updated in September 2023. As the updates do not affect that part referred to by the parties, it has not been necessary to consult them further.

Main Issue

3. The main issue is the effect of the proposal upon the living conditions of the occupants of 94 Browns Lane with regard to outlook as well as daylight and sunlight.

Reasons

4. 92 Browns Lane is a mid-terrace property that has a single storey conservatory to the rear which is set back from the shared boundary with No. 94.
5. The rear gardens of the properties along Browns Lane are long and relatively wide with uninterrupted views to the rear. The limited height of the conservatory at No. 92 and the limited depth of the extension to the rear of No. 94 ensures the outlook from the rear window of No. 94 is relatively unenclosed. The rear window is very large and extends across most of the rear wall of the living room. These factors ensure that the living room receives both daylight and sunlight from this window throughout most of the day. This room extends

the full depth of the house and also has a large window on the front elevation and as such, this room is not reliant on natural light from the rear window.

6. The extension would be single storey in height with a flat roof, and not significantly taller than the conservatory. The extension would not extend substantially above the nearest window to No. 94 and when viewed from this window there would still be a view of the sky above it which would allow daylight to reach this room from this direction. Given the location of the proposed extension there would be a loss of sunlight to this window, however given the height of the extension this would only be for a limited time. Consequently, both daylight and sunlight would reach the rear window throughout most of the day. Furthermore, because this room is also served by a second large window on the front elevation, this room would still receive ample daylight and sunlight throughout the day to ensure the room would not become gloomy or overshadowed by the proposal.
7. Given the depth of the proposed extension it would partly erode the outlook from this rear window. However, given the significant depth of No. 94's garden the proposed extension would only extend a relatively short distance along the shared boundary. The occupants would still be able to see above the proposed extension from this window and whilst there is a small extension to the rear of No. 94 the limited height of the two extensions would not create a tunnelling effect. Consequently, any loss of outlook from this window would not be significantly harmful to the occupants.
8. Therefore, the proposed development would not harm the living conditions of the occupants of No. 94 and would accord with Policies DE1 and H5 of the Coventry City Council Local Plan. These policies expect proposals, amongst other matters, to respond to the physical context of the site. Whilst the proposal would conflict with the Extending Your Home – Supplementary Planning Guidelines (SPG), the guidance states that each site is unique and proposals will be determined on their own individual merits. In this instance the individual merits of the case indicate that the scheme would be acceptable despite not complying with the guidance in the SPG. The proposal would also accord with paragraph 130 f) of the National Planning Policy Framework (the Framework) insofar as it seeks to ensure developments create spaces with a high standard of amenity for existing and future users.

Conditions

9. Further to the statutory commencement condition, a condition would be necessary to require the development to be carried out in accordance with the approved plans in the interest of certainty. The approved plans include a materials schedule and because there is a condition requiring the development to be carried out in accordance with the approved plans it is not necessary to include a further condition controlling the external materials to be used.

Conclusion

10. For the reasons give above, having had regard to the development plan as a whole and the Framework, I conclude that the appeal should be allowed.

G Sibley

INSPECTOR