

Appeal Decision

Site visit made 16 May 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22.05.2024

Appeal Ref: APP/U4610/D/24/3340568

34 Partridge Croft, Coventry, CV6 7EZ

- 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 N Chander against the decision of Coventry City Council.
 - The application Ref PL/2024/0000126/HHA, dated 18 January 2024, was refused by notice dated 28 February 2024.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 34 Partridge Croft, Coventry, CV6 7EZ in accordance with the terms of the application, Ref PL/2024/0000126/HHA, dated 18 January 2024, and the plans submitted with it.

Main Issue

2. The one main issue is the effect of the proposed extension on the living conditions of occupiers at 32 Partridge Croft with respect to outlook and light.

Reasons

3. The appeal site comprises a mid-terraced house in a quiet residential cul-de-sac. The rear of the terrace faces west and the appeal dwelling is set to the south of No 32 which has a single storey rear extension measuring some 3.1m in depth. This has two windows in the rear elevation which are understood to serve one room.
 4. The appeal proposal comprises a single storey rear extension some 6.1m in depth, 3.16m in height and aligned along the boundary with No 32. The remainder of the boundary is marked by a 2m high close boarded fence. The proposed extension lies some 1.6m from the shared boundary with No 36 and some 3m from the closest habitable window. I agree with the Council that, owing to the separation distance and the orientation of the dwellings the effect on occupiers at No 36 would be acceptable. The extension has been completed and I also agree that it raises no issues in terms of character or appearance.
 5. The Council's Householder Design Guide Supplementary Planning Document (SPD), adopted 2023, states that extensions should not result in a material loss of amenity to neighbouring properties as a result of overshadowing, loss of outlook, visual intrusion or through being overbearing. It goes on to advise that
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for single storey rear extensions the depth of the extension from the rear of the affected neighbour's property should not exceed 4m along the boundary or impinge on an imaginary 45-degree line taken from the centre of the neighbour's closest habitable rear facing window (whichever gives the greater depth) subject to ground levels and orientation.

6. Since the depth of the extension beyond the affected single storey rear extension at No 32 is some 3m, the guidance would be adhered to, notwithstanding that the 45-degree rule would be breached in the case of the closest window, the centre of which is set about 1.2m from the shared boundary. There would also be a minor infringement of the 45-degree rule in the case of the second window. The SPD is, nevertheless, guidance and each case should be considered on its own merits.
7. The Council is concerned that the position of the extension, to the south of No 32, would result in material overshadowing, loss of light and loss of outlook. In terms of outlook, although the proposed extension lies on the boundary, the garden is bright and open, allowing an unrestricted outlook to the west and north, enhanced by the staggered building line between No 32 and the terrace to the north. Moreover, the extension would not limit outlook from the ground floor windows to a noticeably greater extent than the 2m boundary fence.
8. The Council does not provide any evidence of material loss of daylight to the room served by the rear windows at No 32 and, given the limited projection of the extension and the fact that both serve the same room and are west facing, I am not persuaded that this would occur. In terms of sunlight, whilst the proposed extension may lead to a modestly greater degree of overshadowing earlier in the day, the garden would still receive much the same level of sunlight from around the middle of the day, and direct late afternoon and evening sun would continue to reach the rear windows which face west.
9. Overall, I am satisfied that the limited projection of the proposed extension beyond the rear single storey extension at No 32 would not, therefore, lead to a material loss of outlook or light or to significant overshadowing.
10. It is concluded on the main issue that the proposed extension would have no materially harmful effect on the living conditions of occupiers at 32 Partridge Croft with respect to outlook and light. In consequence, there would be no conflict with Policies DE1 or H5 of the Coventry Local Plan, 2016. Taken together and amongst other things these support the improvement of existing housing stock provided proposals are of a high quality design, respect and enhance their surroundings and positively contribute towards the local identity and character of an area.
11. Turning to conditions, since the development has been completed, a commencement condition is not necessary. Neither are any other conditions.
12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR

