



Appeal Decision

Site visit undertaken on 24 June 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/W3710/D/24/3343011

71 Norman Avenue, Nuneaton CV11 5NX

- 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 Ismail Patel against the decision of Nuneaton and Bedworth Council.
 - The application reference is 039969.
 - The development is described as the erection of outbuilding attached to existing outbuilding. Proposed height increase of outbuilding walls adjacent to and bordering the boundary with no.73 to cater for a Rosemary clay roof (part-retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made part-retrospectively, meaning that part of the development has already been carried out. On my site visit I noticed that the walls and framing for the roof had been erected, however the windows, doors and roof tiles were not in situ. I have made my determination on this basis.
3. I have taken the description of the application from the Council's Decision Notice as this more succinctly describes the elements requiring planning consent.

Main Issue

4. The main issue is the effect of the development upon the living conditions of No.73 Norman Avenue, with particular regard to sense of enclosure.

Reasons

5. In undertaking assessments relating to living conditions, Policy BE3 of the Borough Plan (BP) seeks considerations of amenity amongst achieving sustainable design and construction. The Sustainable Design and Construction Supplementary Planning Document (SPD) provides further guidance with relation to Policy BE3, such as seeking that extensions are not developed in isolation and have considerations around their affect on neighbouring properties.
6. The appeal property is part of a larger Edwardian development of semi-detached dwellings which date from the early twentieth century. Dwellings are two storeys tall with pitched and gabled roof forms, with a smaller subservient rear extension, where the pitched and gabled rear extension is divided between the semi-detached dwellings. Each of the dwellings have a rather narrow rear

- garden, with evidence of single storey rear extensions in the vicinity, but generally subservient to the main dwelling.
7. The extension to the rear of the appeal dwelling is 5.5 metres long and is joined to the rear of a smaller former rear component of the dwelling which is 2.2 metres long giving an overall length of 7.7 metres. The Appellant identifies this projection to the rear of the dwelling as original to the dwelling, which may have been a former privy. Whilst it appeared that the privy has some age in terms of its wall construction, it was unclear as to whether this was an original construction, as the roof upon my site visit was not of historic construction. This would appear to be supported by the Google Earth imagery which was submitted by the Appellant that shows the roof of this building as flat. On my site visit the roof however was erected as a lean-to roof of 4 metres tall at the highest point along the boundary.
 8. No.73 Norman Avenue is the remaining half of the semi-detached dwelling with the appeal dwelling, To the rear of the dwelling is a small rear extension with flat roof, which appears to have similar dimensions to the 'privy' type building to the rear of the dwelling of the appeal site. To the rear of this property is a paved and grassed area for the enjoyment of this property. The neighbouring dwelling also maintains a similar sized narrow garden to the appeal site.
 9. The main concerns raised by the Council are with regards to the overall height of the extension at 4 metres and the overall length of the extension where the built form along the boundary including old and new components would project to 7.7 metres past the rear of the dwelling. I appreciate comments and examples given of surrounding dwellings that have had extensions, but none replicate the circumstances as part of this appeal. None of the examples are as long or as tall as the extension constructed at the appeal site with the nearby example at 67 appearing to be around 6 metres in depth and a shallower pitch than as constructed at the appeal site.
 10. Given the narrowness of the rear garden and the short depth, the 4 metre tall blank brick wall along the shared boundary of No.43 almost projects for half of the rear garden and results in a majority enclosed space where there is minimal outlook that is predominantly towards the depth of the garden rather than to the sides.
 11. I appreciate comments from the Appellant regarding the need to apply standards such as the SPD less rigidly, as I too agree that the 4 metre extension as mentioned in the SPD is guidance rather than policy, however does give indications as to recommended depths, which depending on the circumstance may also be too long. SPD's cannot interpret each and every individual case, however in this particular location, the narrowness of the rear garden does have an influence over how long and tall extensions can be along the shared boundary where the 7.7 metres as constructed does appear excessive in this particular circumstance.
 12. The Appellant has described the motivations of having a wall this tall is to achieve a satisfactory pitch for reclaimed rosemary clay tiles which are proposed to be installed on the roof. The use of high quality materials such as rosemary tiles and reclaimed bricks and the effort that the Appellant has gone to seek such close replacements in materials is indeed a benefit provided by the scheme. However, the pitch of the roof as shown on the plans is closer to 45 degrees, rather than the minimum amount suggested by the Appellant of 35

degrees for this type of roof tile, which may have effects of lowering the overall height of the extension. That said, whilst it is commendable that the appellant seeks to utilise high quality materials in terms of the reclaimed imperial brick and roof tiles (proposed new uPVC windows and composite doors are poor quality), this does not mitigate the overall harm caused by the height and depth of the extension.

13. Despite this, it is clear to me that the extension as constructed is too tall and too long for this particular context, and would lead to adverse harm to the living conditions of the neighbouring occupier at No.73 Norman Avenue. Consequently, the scheme is contrary to BP Policy BE3, which is supported by the SPD.

Other Matters

14. I note commentary in the Appellant's Statement of Case that they seek to offer to repair/replace the neighbouring roof as a type of compensation for the development as constructed. The neighbouring roof is outside of the red line of this application, and these suggested measures are not planning benefits that are able to be taken into account in the determination of this appeal.

Conclusion

15. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

J Somers

INSPECTOR