



Appeal Decision

Site visit made on 14 September 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/U4610/D/24/3347489

117 Blackberry Lane, Coventry CV2 3JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mukhtar Mattu against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000374/HHA.
 - The development proposed is described as 'proposed hip to gable roof and double storey side and rear extension'.
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Preliminary Matter

1. The Council describes the proposal as 'erection of two storey side, single storey rear extension and hip to gable roof alteration to accommodate loft conversion'. As this is a more comprehensive and accurate description of development than that indicated above, it has been used in the decision that follows.

Decision

2. The appeal is allowed and planning permission is granted for erection of two storey side, single storey rear extension and hip to gable roof alteration to accommodate loft conversion at 117 Blackberry Lane, Coventry CV2 3JR in accordance with the terms of the application, Ref PL/2024/0000374/HHA, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan No 220-01 and Proposed Plans and Elevations Plan No 220-03 Rev A.

Main Issue

3. The main issue in this appeal is the effect of the first-floor side extension element of the appeal proposal on the living conditions of the occupiers of 115 Blackberry Lane (No 115) in terms of overbearing and overshadowing effects and its effect on their outlook.

Reasons

4. The building line of Blackberry Lane is staggered in the vicinity of the appeal site. There are two pairs of semi-detached houses, including No 115, which are set back considerably behind the remaining houses in the frontage. There is a significant distance between the rear of the appeal property (No 117) and the front of No 115. There is also a path to the side of No 115 which is about 1m wide.
5. No 117 has a single-storey side and partial rear extension. The appeal proposal would introduce development to the side of No 117 at first-floor level, along with a deeper, full-width rear extension to replace the existing. There is no dispute that the proposal would comply with the guidance set out in the Council's SPD - Householder Design Guide (SPD) in respect of side extensions.
6. The first-floor extension would be visible from the front windows of No 115. However, the appeal property, along with its existing single-storey side extension, is already prominent in this view. Furthermore, due to the setback from the frontage, the view from the front of No 115 is extensive and open. Within this context, I am not convinced by the appeal evidence that the altered outlook from No 115 would harm the living conditions of its occupiers. Nor is it likely that the resulting development would appear overbearing given the location of the two houses and the space between them. The slight difference in their ground levels does not affect these conclusions.
7. Due to the distance between Nos 115 and 117, their orientations and the extent of the existing shading observed at the site visit, I am satisfied that there would be no harmful overshadowing of No 115 resulting from the proposed development. It would be little different to the shading from the existing house.
8. For the reasons set out above and having regard to all other matters raised, I conclude that the siting, scale and massing of the proposed first-floor side extension would not have a significant overbearing and overshadowing impact on the living conditions of the occupiers of No 115 or harm their outlook. Consequently, the proposals conform with Policy DE1 of the Coventry Local Plan 2017, which I consider is of most relevance to this appeal, the SPD guidance and the similar safeguarding objectives of the National Planning Policy Framework.
9. Accordingly, the appeal is allowed. External materials to match the existing are required by condition to safeguard visual amenities. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning.

Elaine Benson

INSPECTOR