



Appeal Decision

Site visit made on 11 March 2025

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/W3710/W/24/3350559

Smorrall Petrol Station & Store, 259 Smorrall Lane, Bedworth, Warwickshire CV12 0LQ

- 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 V Balakumaran on behalf of Oyslans I Ltd against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref is 040076.
 - The development proposed is the demolition of existing single storey side garage and rear storage building and construction of a new single storey rear extension to form a store and part first floor side extension to residential accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing single storey side garage and rear storage building and the construction of a new single storey rear extension to form a store and part first floor side extension to residential accommodation at Smorrall Petrol Station and Store, 259 Smorrall Lane, Bedworth, Warwickshire CV12 0LQ in accordance with the terms of the application, Ref 040076, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: location plan (unnumbered) and 'Existing Floor Plans, Site Plan and Roof Plan' dwg. no. PE-02 Rev A.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form, however I have removed the words 'retrospective consent' as these are not acts of development.
3. The appellant indicates that the development has commenced. However, I observed at my site visit that the development that has taken place does not fully accord with the submitted drawings, in particular with regards to the number and position of window openings. Therefore, for the avoidance of doubt, I have determined the appeal on the basis the development has begun but have assessed the proposal based on the submitted drawings, as to do otherwise could cause injustice to other parties.

Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area; and the living conditions of the occupiers of 261 Smorrall

Lane with particular regard to outlook and light to the outdoor amenity space to the rear of the property.

Reasons

Character and appearance

5. The appeal site forms one half of a pair of semi-detached properties located on a prominent corner plot at the junction of Smorrall Lane and Dark Lane. It comprises a petrol station, with a ground floor retail area and residential accommodation above. A large flat roof canopy covers a significant proportion of the forecourt area between the building and the highway to the front. The surrounding area is predominantly residential in character.
6. The appeal scheme seeks the demolition of single storey office/store buildings to the side and rear of the building and the construction of a single storey flat roof store extension to the rear and a 2 storey side extension to provide an enlarged entrance area to the first floor accommodation. The application form indicates that the extensions would have a white render finish to the walls.
7. The proposed 2 storey side extension would increase the length of the existing 2 storey flat roof projection to the side elevation of the property by a modest amount, so that it would be flush with the rear elevation of the building. The height and flat roof design would reflect that of the existing side adjunct, and the rendered finish would not be an anomalous feature in the context of the surrounding properties. Despite the absence of ground floor openings proposed in the main flank elevation of the building, there is a large window at first floor level. The proposed door to the side elevation of the single storey rear extension would also be visible in glimpsed views towards the site. The side elevation of the building would therefore not appear as a blank façade.
8. Consequently, due to the height, scale and design of the proposed 2 storey extension, including the proposed alterations to the fenestration to the existing side elevation of the building, it would not appear as an unduly dominant feature or be at odds with the overall appearance of the host property. Moreover, as the lack of windows to the rear elevation of the extension would be apparent only in views from within the site and the neighbouring residential properties, the design in that regard would not have a tangible effect on the street scape or the character and appearance of the area.
9. For the foregoing reasons, I therefore conclude that the proposal would not harm the character and appearance of the area. In that regard, it would not conflict with Policy BE3 of the Nuneaton and Bedworth Borough Plan 2011-2031, adopted 2019 (the BP), which requires, among other things, development to be designed to a high standard and to contribute to local distinctiveness and character by reflecting the positive attributes of the neighbouring area.

Living conditions

10. A single storey lean-to extension and timber pergola structure occupy the space immediately to the rear of the neighbouring property at number 261 Smorrall Lane (No 261) adjacent to the side boundary with the appeal property. As such, despite the position of the single storey rear extension on the boundary between the properties, as well as the distance it projects from the rear elevation of No 261 and

overall height, views of the extension from the rear garden of No 261 would be somewhat restricted. As such, it would not appear as an unduly conspicuous addition when seen from the rear of No 261. Moreover, given the orientation of the rear garden at No 261, together with the design of the pergola, which includes a tinted polycarbonate roof, the proposed extension would not give rise to any significant overshadowing of the private amenity space immediately to the rear of the property to the detriment of the living conditions of the occupiers of No 261.

11. My attention is drawn to advice in the Council's Sustainable Design and Construction Supplementary Planning Document 2020 which sets out that, near the boundary of an adjoining usable rear private amenity space a proposed single storey extension shall be less than 4 metres long. However, I have determined the appeal based on the merits of the scheme, having regard to the specific circumstances of the case.
12. For the reasons set out, I conclude that the proposed rear extension would not harm the living conditions of the occupiers of No 261 with particular regard to outlook and light to the outdoor amenity space. Accordingly, it would not conflict with the aims of Policy BE3 of the BP, in so far as it requires development proposals to have regard to residential amenity.

Other Matters

13. Concern has been raised regarding the method of construction of the development; however, structural issues are dealt with separately. Moreover, while the construction process may be disruptive it would be short-term and is not a reason to withhold permission.
14. Interested parties have raised concerns about other matters, including the effects of a car wash and siting of a tank to the rear of the site. However, these matters do not form part of the appeal proposals before me.
15. While the application was made retrospectively, this is not a determinative issue in the appeal, which is to be considered based on the merits of the case.

Conditions

16. The application form indicates that the development which is the subject of the appeal has commenced. As such, a condition relating to the timeframe for the implementation of the permission is not necessary. I have imposed a condition specifying the drawing numbers in the interests of clarity.

Conclusion

17. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR