



Appeal Decision

Site visit made on 10 June 2025

by **N McGurk BSc (Hons) MCD MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 June 2025

Appeal Ref: APP/E3715/D/25/3364866

4 Tadpole Close, Cawston, Rugby, Warwickshire, CV23 9GG

- 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 Martin Pritchard against the decision of Rugby Borough Council.
 - The application Ref is R24/1018.
 - The development proposed is construction of full-length dormer on the rear elevation of the double garage roof. No change to building footprint or ridge height.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant notes that a Lawful Development Certificate was previously sought under the assumption that the proposed dormer could be constructed under permitted development rights. However, permitted development rights for the appeal site were removed as part of the original planning approval for the estate.

Main Issues

3. The main issues in this case are the effect of the proposed development on the living conditions of neighbouring occupiers, with regards to outlook and privacy.

Reasons

4. The appeal property is a modern, detached dwelling with a detached single storey double garage to the side. It is situated in a cul-de-sac within a modern housing estate, largely comprising detached and semi-detached dwellings ranging in height between two, two and a half and occasionally, three storeys.
5. Dwellings tend to be set back from the road behind short garden areas and have larger gardens to the rear. During my site visit, I observed that garages tend to be located to the side or towards the rear of dwellings and situated between dwellings or pairs of dwellings. Further, garages in the area tend to be of modest appearance, single-storey in height and with simple pitched or hipped roofs.
6. As above, the appeal property's garage is located to the side of the dwelling, adjacent to the side of Number 2 Tadpole Close. The proposed development would be situated in close proximity to No 2's rear garden. As a consequence, I find that the proposed dormer would, due to its height, length and proximity, appear to loom above No 2's rear garden to an overbearing degree.

7. The harm arising from the above would be exacerbated by the creation of dormer windows, which would provide for views into No 2's garden, from height and in close proximity. Whilst these views would be at an oblique angle, I find that the proposed development would give rise to actual and perceived overlooking, to the harm of the privacy of the occupiers of No 2.
8. In addition to the above, the proposed development would face directly towards the rear garden and rear elevation of Number 38 Trusell Way resulting in scope for the direct overlooking of the rear of No 38 from close proximity. Whilst during my site visit I noted the presence of tall boundary fences and sensitive boundary planting in the appeal dwelling's rear garden, I find that this would not prevent the proposal resulting in some harm to the privacy of the occupiers of No 38.
9. Further, to the above, the proximity, scale and height of the proposal would result in it appearing as something of a dominant feature when seen from the rear of No 38 and this would result in harm in respect of the outlook from that property.
10. I observed during my site visit that the situation of dwellings in the vicinity of the appeal property does give rise to a degree of mutual overlooking to the rear. However, unlike the proposal the subject of this appeal, the harmful effects of this appear to be limited by distances between facing windows combined with the juxtaposition of dwellings.
11. Taking all of the above into account, I find that the proposed development would harm the living conditions of the occupiers of neighbouring dwellings, with regards to outlook and privacy, contrary to the National Planning Policy Framework and to Policy SDC1 of the Rugby Local Plan (2019), which together amongst other things, seek to protect residential amenity.

Other Matters

12. In support of his case, the appellant draws attention to other developments elsewhere within the locality. However, none of these examples comprises a development so similar to that proposed as to provide for direct comparison. Notwithstanding this and in any case, I have found that the proposed development would result in harm and hence the conclusion below.

Conclusion

13. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR