



Appeal Decision

Site visit made on 15 August 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2025

Appeal Ref: APP/W3710/D/25/3368925

87 Edward Street, Nuneaton, Warwickshire CV11 5RE

- 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 Saleem Ghulam Sheikh against the decision of Nuneaton and Bedworth Borough Council.
 - The application Ref. is 040863.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey side extension at 87 Edward Street, Nuneaton in accordance with the terms of the application, Ref. 040863 and the plans submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not later than three 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: Drawing Nos. C913/001 Rev. A; C913/002 Rev. D; C913/003 Rev. A; C913/004 Rev. A.

Main Issue

2. The main issue is the effect of the proposed two-storey side extension on the living conditions for the occupiers of No. 85 Edward Street as regards outlook and privacy.

Reasons

3. The appeal scheme is for a narrow first floor infill extension above a ground floor extension approved under permission ref. 040058 granted in May 2004 and partly constructed. The additional floor area would increase the widths of two bedrooms and a bathroom.
4. As regards outlook, the Officer's Report says that '*the extension 'would result in an overbearing and oppressive impact upon No. 85'*'. However, the term 'overbearing' in planning appraisals means that an occupier affected by additional built form would feel hemmed in by a building with their views foreshortened and a perceived undue sense of enclosure. Bearing in mind the relatively modest height of the rear

- wing of No. 87 and that the distance between the proposed side wall of the extension and No. 85 is about 15m, I do not consider that this infill extension to an existing two storeys would in any way adversely affect the outlook of No. 85.
5. In respect of privacy, the application has been refused because of a loss of privacy to No. 85, in particular its side facing windows and rear garden. The 20m separation distance in the Council's Sustainable Design and Construction SPD 2020 would be breached, as the distance between the proposed rear wing extension to No. 87 would be just under 15.8m from No. 85 (reduced from the existing 17.1m).
 6. However, the appeal building as a whole already has four first floor windows in its side elevation and I was able to see on my visit that No. 85 has the same number, albeit in both cases these include bathrooms. The appeal scheme would introduce an additional bedroom window and increase the size of another. Accordingly, it would increase, but not introduce, inter-visibility between the two neighbours. Furthermore, by my reckoning neither of the proposed bedroom windows in the rear wing would be as large as the existing bedroom window in the rear wing of No. 85 which directly overlooks the garden of No. 87.
 7. On this basis and given the existing level of privacy lower than the SPD 20m guideline to the rear of both Nos. 85 and 87, I am not persuaded that the increase in overlooking would outweigh the advantage of improving the extent and quality of the habitable accommodation at the appeal property. Both Nos. 85 and 87 are terraced properties where the reasonable expectation of privacy is less than in more spacious settings. Nor does the extension involve living rooms at first floor level, as may occur in flats, whereby the implications of overlooking would be much greater.
 8. I additionally note that although the occupiers of No. 85 were consulted on the application proposal, neither they nor other consultees made any objection. And whilst not determinative this is normally an indication that a proposal is not deemed to be harmful by those most affected.
 9. Overall, I find that although there would be some conflict with Policy BE3 of the Nuneaton & Bedworth Borough Council Borough Plan 2011-2031; the Council's SPD, and paragraph 135f) of the National Planning Policy Framework, revised December 2024, I do not consider that this would be such as to cause unacceptable harm.
 10. I shall therefore allow the appeal. A condition stipulating matching external materials will safeguard visual amenity, whilst a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.

Martin Andrews

INSPECTOR