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## Appeal Decision

Site visit made on 24 September 2025

**by Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 September 2025**

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**Appeal Ref: APP/U4610/D/25/3371670**

**24 Middleborough Road, Coventry, West Midlands, CV1 4DE**

- 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 David Tittle against the decision of Coventry City Council.
  - The application reference is PL/2025/0000528/HHA.
  - The development proposed is single storey rear extension.
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### Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension at 24 Middleborough Road, Coventry, West Midlands, CV1 4DE in accordance with application ref: PL/2025/0000528/HHA and the plans submitted with it subject to the following conditions:
  - 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission;
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents: (combined plans) – drawing no. 1024-01-002 A;
  - 3) The materials to be used in the construction of the external surfaces of the development hereby approved shall match those as stated within the application form. The materials will be maintained for the lifetime of the development, and any changes shall be submitted to, and approved in writing by, the Local Planning Authority prior to any alterations on site.

### Main Issue

2. The main issue is the impact of the proposal upon neighbouring residential amenity with regard to light, outlook and overbearing impact.

### Reasons

3. The appeal site is a two storey, mid-terrace, dwelling located on Middleborough Road which stands within the Nauls Mill Conservation Area. The property itself is not listed, nor locally listed and although it stands within the CA and is considered, by the Council, to make a positive contribution to the historical character and appearance of the CA the Council confirm that they consider the proposal is acceptable in terms of design and impact on the street scene and the CA and I have no reason to conclude differently in that regard.
4. The proposal would extend the current kitchen to create, what is labelled on the proposed plans, a dining/sitting room as a result of an extension which would

essentially be a rear/side extension off the existing built form which would effectively infill the rear of the host dwelling. The adjacent dwelling, 26 Middleborough Road (no. 26), has a side facing window which would face directly towards the proposed extension, and which currently offers clear views, with limited separation, between the kitchens of the host dwelling and no. 26. The boundary between the two properties is currently a brick wall albeit I note that this is currently low enough to allow views between the two properties/over the top of it but the existing close proximity between the two dwellings means that the side facing window in no. 26 is already facing substantial built form in close proximity.

5. At the time of my site visit I noted that the habitable room facing the proposal at no. 26 has another window facing down the garden which means that the window facing the appeal proposal is a secondary window. In addition, the proposal would be on the northern side of the dwelling meaning that the rear elevation/existing window would likely already receive limited light due to orientation and general proximity and interaction with the terraced row. I note that the proposal would significantly breach the 45-degree line to the window of the neighbour at no.26 and that the proposal would be in the region of 1.4 metres from the neighbour's side facing habitable room window. Despite this, a breach of the 45-degree line is not necessarily determinative, nor should it result in automatic refusal – it falls to consider the actual impacts of the proposal on a case-by-case basis.
6. The appellant could raise the wall to the level of the proposed extension (in the region of two metres from ground level) which would effectively be beyond the Control of the council by virtue of The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 2, Class A (Gates, Fences, Walls etc) which allows for the erection, construction, maintenance, improvement or alteration of a wall or other means of enclosure to two metres above ground level. In this case there are no restrictions on such amendments within a CA as A.1 is clear that development is only not permitted by Class A if it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. As confirmed, earlier within the decision letter and acknowledged by the Council, the appeal site is not a listed building.
7. The appeal site and neighbouring dwelling already have a close relationship due to the host dwelling's rear outrigger and whilst I acknowledge that the proposal would bring built form onto the shared boundary, I do not find that the proposal would likely severely restrict light and outlook to the window in question in a manner which would warrant refusal especially given it is a secondary window. Given the existing interaction between the facing kitchen windows I find that the proposal would result in an improvement to privacy between the two properties and that the design of the proposal would take away the bulk and massing usually seen with an extension as a result of the contemporary glazed lean-to roof which I find would lessen the impact of the proposals which would, from the adjacent dwelling, largely read as an improved boundary wall.
8. As can be seen, from the proposed side elevation (west) submitted the increase in the wall height, from ground level, is modest and I do not find that the proposal would result in a detrimental loss of light, outlook by way of visual intrusion, tunnelling effect or an overall overbearing impact which would have detrimental impact on the neighbours amenity sufficient to warrant refusal. The proposal would

be consistent with Coventry City Local Plan 2017 Policy DE1 which requires proposals to respect and enhance their surroundings and positively contribute towards the local identity and character of an area and Policy H5 which supports the renovation and improvement of existing housing stock.

9. The proposal would also be consistent with the Householder Design Guide Supplementary Planning Document 2023 which, in terms of its overarching objectives and guidance, requires that proposals should not result in a material loss of amenity to neighbouring properties such as a result of overshadowing, loss of outlook, visual intrusion, erosion of privacy, or being overbearing. The SPD does allow for flexibility regarding the breach of the 45-degree line, and I note reference is made by the Council to this flexibility being provided where the extension is below 4 metres. The proposal does exceed this, marginally, at in the region of 4.15 metres but for the reasons outlined above I do not find that this is sufficient to warrant refusal in terms of actual impact.

### **Conditions**

10. The Council's questionnaire suggests three conditions in the event that this appeal is allowed which I have considered and applied as appropriate. A time condition is attached to comply with Section 51 of The Planning and Compulsory Purchase Act 2004. A condition requiring the development to be in accordance with the approved plans is required to control and define the development which is granted consent.
11. A materials condition is required to ensure an appropriate finish in the interests of visual amenity and taking into account the setting of the proposal within the CA. The Council's questionnaire suggests that the condition should require the materials in the extension to match those within the existing dwelling, however, whilst I acknowledge on the application form that the walls would be consistent utilising red facing brick work - the extension proposes a glazed roof and aluminium windows and doors which is a contrast to concrete tiles and timber/timber framed glazing in the host dwelling.
12. I still consider such materials to be appropriate considering the design, scale and location of the proposal. I have, therefore, amended the materials condition to require these to be in accordance with the details provided on the application form to enable the appellant to construct the proposal as intended as per the basis for their submission.

### **Conclusion**

13. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

*Eleni Marshall*

INSPECTOR