

Appeal Decision

Site visit made on 20 December 2016

by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 January 2017

Appeal Ref: APP/U4610/D/16/3158933
105 Momus Boulevard, Coventry CV2 5NB

- 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 Mr O'Brien against the decision of Coventry City Council.
 - The application Ref HH/2016/1653, dated 23 June 2016, was refused by notice dated 10 August 2016.
 - The development proposed is a single storey side/rear extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of the adjacent property at No 103 Momus Boulevard with regard to light and their outlook.

Reasons

3. The proposal would involve the removal of the existing single storey rear extension and its replacement with a larger extension that would stretch the full width of the plot. It would abut an extension at No 107 and would be comparable in its depth to that extension and to the single storey extension at No 103 which accommodates a kitchen. The Council do not consider the extension would adversely affect the light received by, or the outlook from, the windows in the kitchen extension at No 103, and I have no reason to come to a different view.
 4. There are patio doors on the rear elevation of the original house at No 103. It is not disputed by the parties that the proposal would extend beyond a line drawn at 45° from these doors and that the proposal would exceed a depth of 3.3 metres. The Council's Extending Your Home Supplementary Planning Guidance (SPG) uses both these criteria to assess the effect of an extension on the neighbouring occupiers. Although the SPG dates from 2003, I do not regard it as out of date as, notwithstanding the alterations to permitted development rights since 2003, the need to consider the effects of development on neighbouring occupiers remains fundamental to the assessment of planning applications. The guidance in the SPG is reasonable when assessing such effects, and it is a material consideration.
-

5. The extension would have an asymmetrical roof so that, at the boundary with No 103, the eaves would have a height of around 2 metres, which is similar to the height of the existing boundary wall and the same height as a boundary fence or wall that could be erected as permitted development under Class A, Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (the 'Order'). I accept the amount of sunlight received by the patio doors would not be likely to be significantly affected by the proposal due to the north facing aspect of the doors, the presence of the existing extensions at Nos 105 and 107, and the low eaves height of the proposed extension. Nonetheless the extension would be clearly visible from the patio doors and would appear prominently to the extent that it would be dominant and would adversely affect the outlook. The fact that the extension's facing roof slope would be glazed would have little mitigating effect.
6. Furthermore when seen in combination with the existing extension at No 103, I consider the extension would create a tunnelling effect and a sense of enclosure which would also harmfully affect the outlook from the patio doors. Indeed the SPG advises that to avoid a tunnelling effect extensions should be 1 metre off the boundary. The extension fails to do this.
7. The appellant suggests that the proposal would constitute permitted development under Class A.1 (g) of the Order. However in these circumstances the conditions in paragraph A.4 of the Order would apply which include the requirement for the Local Planning Authority to consider the effect of the proposal on the amenity of all adjoining premises. Indeed this was the approach taken for the previous proposal and it is open to the appellant to pursue this opportunity again for the current proposal. However as this route would not necessarily facilitate the proposed development, as demonstrated by the Council's refusal¹ of the previous scheme, I give it little weight in my assessment of this appeal.
8. Consequently I consider the extension would adversely affect the outlook from the patio doors in the rear elevation of No 103 and as such the living conditions of the occupiers of this property would be harmed. As such the proposal would conflict with Policy H4 of the Coventry Development Plan (CDP) which requires all development to respect local character and Policy BE2 of the CDP which promotes high quality urban design. It would also conflict with the advice in the SPG, as set out above, and the National Planning Policy Framework which states that development should secure a good standard of amenity for all existing occupants.

Conclusion

9. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

¹ Ref No PA/2016/0879