
Appeal Decision

Site visit made on 3 January 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 23rd January 2017

Appeal Ref: APP/U4610/D/16/3163528
9 Queen Isabels Avenue, Coventry CV3 5GE

- 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 Farid Dawod against the decision of Coventry City Council.
 - The application ref: HH/2016/0962, dated 31 March 2016, was refused by notice dated 26 August 2016.
 - The development is described as a 'proposed annexe'.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the garage to living accommodation ancillary to the main dwelling, and a two storey side and rear extension, a single storey rear extension, and front and side canopies at 9 Queen Isabels Avenue, Coventry CV3 5GE in accordance with the terms of the application, Ref HH/2016/0962, dated 31 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawings: numbers 100, 101, 102, 103, 104, 105, 108, 109, 112, 113, 27, and 28.
 - 2) The ancillary accommodation within the detached outbuilding hereby approved shall not be used as a separate unit of accommodation, but shall remain ancillary to the main property at no. 9 Queen Isabels Avenue.
 - 3) The parking area to the front of the ancillary accommodation hereby approved shall be retained and shall remain unobstructed and available at all times for its intended purpose.

Procedural Matters

2. On the application form the development was described as a 'proposed annexe' on which work had started without planning permission. Although the appeal form sets out that the description of the development has not changed from the application form, that is inconsistent with the description given there which is 'conversion of garage to living accommodation ancillary to the main dwelling and erection of two storey side and rear extension, single storey rear extension and front and side canopies (retrospective)'. That is consistent with the

description on the decision notice, and on the application and appeal notification letters.

3. In an email dated 10 January 2017 the appellant agreed to that amended description. As it provides a more accurate and comprehensive description of the development that has largely taken place, I have used it in my decision, albeit omitting the word 'retrospective' which is superfluous, and not entirely correct.
4. Drawing no. 114 is referred to in the appellant's statement of case. However, in an email dated 11 January 2017 the Council states that it has not received that plan, and has not had the opportunity to consider it. Moreover, that plan did not form any part of the consultation with other parties. Drawing no. 114 seeks to depict how cars could be parked on the site, and includes a parking area to the front of the main dwelling which was not shown on the drawings submitted with the application. However, as it formed no part of the scheme on which the Council based its decision, and there has been no opportunity for parties to comment on it, I have not taken it into account in my decision.

Background

5. Planning permission was granted at this property ('No. 9') in 2013 for a two storey side extension and rear extension, a single storey rear extension and an extension to the garage (Ref: FUL/2013/0164) ('planning permission'). However, I understand that the work that has been carried out does not accord with the approved plans. An Enforcement Notice (Ref: AA/2015/00591) ('EN') was served in 2016 which alleged, amongst other things, the unauthorised conversion of the dwelling to two self-contained flats; the unauthorised erection of an independent self-contained dwelling; and unauthorised walls, railings and porches/canopies.
6. The Council notes in its report that the principle of extensions to the dwelling is acceptable. It has therefore not objected to this scheme's two storey side and rear extension, and single storey rear extension.
7. I have dealt with this scheme broadly on the basis of the retention of the existing built development, albeit noting proposed alterations to the internal configuration of the main building, and that the intended use of the whole property would be as a single dwelling.

Main Issues

8. The main issues are the effect of the development on i) the safety and convenience of users of the public highway, with particular regard to the availability of car parking; and ii) the character and appearance of the host property and the area.

Reasons

The safety and convenience of users of the public highway

9. The Council maintains that the conversion and extension of the former garage to ancillary accommodation has resulted in inadequate off-road parking to serve the property, and consequently an intensified demand for parking on nearby streets.

10. Many of the residential properties on nearby streets such as Lichfield Road and Galey's Road do not have off-road parking, and I observed on my visit that there was a significant amount of on-road parking, with many vehicles partially mounted onto the pavement, where they could impede pedestrians. I understand from one representation that Lichfield Road could become a residents' only parking area.
11. As a result of this development, no. 9 no longer has a garage for off-road parking, and there is a reduced distance between that building and the pavement. The appellant states that that depth is less than the recommended distance of 4.8m for an off-road parking space in the Council's Extending Your Home – A Design Guide Supplementary Planning Guidance 2003 ('SPG'), but that it still provides sufficient area for 1 or 2 off-road spaces.
12. Given that no. 9 is sustainably located very close to nearby services in Daventry Road District Centre, and next to a bus stop, the residents may not be reliant on the private car for their day to day needs. The former garage provides single bedroom accommodation and is therefore likely to generate a limited need for parking. Whilst there is more extensive accommodation in the main building, the whole property would be used as a single dwelling.
13. There was a car parked off-road immediately in front of the former garage at the time of my visit, and I accept that the scheme does provide some off-road parking. The nearby bays in front of the commercial premises on Queen Isabels Avenue also provide unrestricted overnight parking.
14. Whilst there are undoubtedly parking pressures in the local area, I am not persuaded that this scheme generates a significantly greater demand for parking than the planning permission. Given that context, the sustainability of the location, and that some off-road parking is retained, I am not persuaded that the development has resulted in such a significant impact on the convenience of highway users as to warrant dismissal of the appeal. Furthermore, I have no substantive evidence to conclude that it has resulted in significant highway safety issues. My findings on these matters is supported by the absence of an objection from the Council's Highways Department.
15. Policies AM 19 and AM 22 of the Coventry Development Plan 2001 ('CDP') set out in general terms that development should have safe and appropriate highway access, and that in areas with on-street parking problems, existing off-street parking should be retained. However, policy AM 22 also notes that consideration will be given to the particular location and the level of traffic generated. Given my conclusions, there would be no conflict with the broad thrust of those policies. As CDP policy H 4 primarily addresses the impact of extensions on local character, it is of limited relevance on this issue.

Character and appearance

16. The SPG sets out in general terms that development, including porches and boundary treatment, should be in keeping with the character of the area. Additionally, porches should normally be within the prescribed dimensions for permitted development, and designed with pitched roofs and matching facing materials.

- 17.No. 9 is prominently located at the junction of Queen Isabels Avenue with Lichfield Road. I observed on my visit that where properties on those and other nearby streets have boundary treatment or porches/canopies, there is some variety in terms of their style and form. No. 4A Lichfield Road (erroneously referred to as 'No. 44' in the appellant's statement) has a long pent roof canopy, which is not dissimilar to the style of the canopies at no. 9, albeit the one on the north-eastern elevation has an enclosed porch.
- 18.Both no. 9's canopies are reasonably modest structures compared to the remainder of the dwelling, which serves as their backdrop from most public vantage points. Their predominantly open form and monopitch roof also serves to limit their mass in the streetscene. On my visit I observed that both appear to be complete, having been finished with cream render and roof materials to match the rest of the dwelling.
- 19.The Council has not objected to the other extensions to the dwelling. Given their scale, form and matching finish, and with due regard to the planning permission, I agree that those aspects of the development do not harm the character and appearance of the area.
- 20.Turning to local boundary treatment, there is no consistent quality, or distinctive theme to it. I observed brick walls and hedgerows; as well as a boundary fence with brick piers and timber panels of a broadly comparable overall height to this scheme to the side of no. 2 Galey's Road.
- 21.The brick wall at no. 9 has a fairly modest height and there are open metal railings between the taller piers, which allow views into the site from the pavement. The boundary treatment has a good quality finish. Consequently, whilst this scheme is taller than some other nearby boundary structures, it is not overbearing and does not harm the area's character.
- 22.For those reasons the development does not conflict with CDP policy H 4's requirement for extensions and alterations to respect local character and the streetscene, or with policy BE 2's objective of enhancing townscapes and reflecting locally distinct patterns of development. It accords with the broadly similar approach in the National Planning Policy Framework ('Framework'), and in the SPG.

Other matters

- 23.I have no evidence that the appellant intends to remove a Copper Beech tree which is protected by a Tree Preservation Order, and the Council does not allege that it has been damaged.
- 24.Whilst I have considered the requirements of the EN, and have noted that the development has taken place without consent, I have dealt with the scheme on its merits and against relevant development plan policies, and other guidance. Although concerns are raised that the property will not be converted back into a single dwelling, and that there are no drawings of the first floor, this scheme is not for the creation of independent units of accommodation, and I have dealt with it on the basis of the information before me, and the agreed description.
- 25.The ancillary living accommodation is compact, but provides sufficient space for sleeping and relaxing. The main habitable rooms each contain a window to

provide natural light. Although the bedroom window is very close to the boundary fence, drawing no. 112 also shows a side facing window to that room. There are further facilities in the main house, and I am therefore satisfied that the ancillary accommodation provides adequate living conditions. I have no cogent evidence that it is a potential fire risk.

26. With regards nearby occupiers, particularly at no. 1 Lichfield Road, the concerns appear to arise primarily from the impacts of the large number of residents living in what I understand to be 3 separate unauthorised properties. I have already noted that I have considered this development on the basis of its use as a single dwelling, and its reasonable use as such would not cause significant harm to nearby occupants' living conditions. Whilst the provision of a second smaller kitchen in the main dwelling is unusual, it does not conclusively indicate that the property will not be used in that way.
27. Finally, planning is concerned with land use in the public interest, and the impact of development on private interests such as property values is not a material consideration.

Conditions and conclusion

28. Summing up, the development has not resulted in significant harm to the safety and convenience of highways users, and respects the character and appearance of the area. With the exception of the canopies, I understand that the extensions to the main dwelling are not significantly different from those in the planning permission. Notwithstanding concerns regarding the appellant's intention to use the property as more than a single dwelling, I have dealt with the scheme before me on its merits, and on the basis of the submitted evidence, and have found that it does not conflict with the development plan. Having regard to all other matters raised, the appeal will therefore be allowed.
29. I have considered the matter of conditions applying the Framework's tests. In the appeal questionnaire the Council has suggested a condition requiring that the development be carried out in accordance with the approved plans. Whilst much of the development has already taken place, there are differences on the drawings between the existing and the proposed development. A condition requiring the development to be carried out in accordance with the approved plans is therefore necessary in the interest of certainty. I have omitted drawing nos. 106, 110 and 111 from that condition as they include elements of the existing development, largely relating to the internal layout, which are inconsistent with the proposed scheme. As the development is largely in place a tree protection condition as referred to by Warwickshire County Council is unnecessary.
30. The Council has also agreed to the conditions suggested by the appellant at section 11.0 of his statement. The first of those requires the porch to be completed and coloured to match the existing render within 2 months. However, at the time of my visit that appeared to have been done and that condition is therefore unnecessary.
31. The second and third of those conditions require that the parking area as depicted on drawing no. 114 be laid out within 3 months of the decision, and for the parking spaces to thereafter remain available. However, although it has

agreed to those conditions, the Council states that it has not seen that drawing, and I have explained why I have not taken it into account in my decision.

32. I have concluded that the site is sustainably located in an area where occupants may not be reliant on the car. However, in the interest of the convenience of highway users, the existing parking area in front of the former garage should be retained for its intended purpose. I have imposed a condition accordingly.

33. Finally, a condition is necessary to ensure that the accommodation within the former extended garage remains ancillary to that in the main dwelling. That to clarify the terms of this consent, in the interests of the safety and convenience of highway users, and to ensure suitable living conditions for adjoining and nearby occupiers, as well as those within the annex.

34. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR