



Appeal Decision

Site visit made on 20 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 23rd March 2017

Appeal Ref: APP/U4610/W/16/3163802
114 Hawkes Mill Lane, Coventry CV5 9FN

- 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 L Clarke against the decision of Coventry City Council.
 - The application Ref FUL/2016/2122, dated 19 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is the erection of new Dwelling with demolition of outbuildings and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupiers of No 130 Hawkes Mill Lane, with particular regard to daylight and outlook.

Reasons

3. Hawkes Mill Lane lies in Brownhill Green, on the north west fringes of Coventry. Residential development lies on both sides of the road as it heads westwards from Browns Lane; typically this development consists of 2 storey semi-detached dwellings on the southern side of the street, with bungalows on the northern side. A fairly rigid building line exists on both sides of the street, with the character of the area enhanced by a range of mature landscaping, particularly in the large front gardens of the bungalows. This helps to give the area a spacious and peaceful feel, befitting of its location on the rural/urban fringe.
 4. The appeal site lies towards the junction of Hawkes Mill Lane with Browns Lane. At this end of the street the character of the northern side is a little different, with some two storey dwellings present in the block of Nos 104-108 Hawkes Mill Lane, and the detached dwellings of Nos 110 and 112. No 112, to the east of No 114 is a large 2 storey property which was in the process of being built during my visit. Nevertheless, despite the larger number of two storey dwellings at this end of the street, spacing between properties remains fairly generous – and where this spacing is reduced it is largely from single storey
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- structures; for instance the new property of No 112 has a single storey attached double garage adjacent to No 114.
5. The proposal seeks to demolish an existing long flat roof garage building attached to the west side of No 114 Hawkes Mill Lane, and construct a 2 storey dwelling with gabled frontage. No 114 at present is a fairly squat pyramidal roofed bungalow. To the west of the site lies No 130 Hawkes Mill Lane, which although a bungalow, has been much extended and altered, with a large gabled garage to the front of the property, two dormer windows to the front and extensions to the rear. The roof form appears to be hipped with a large area of flat roof on top to keep the overall height of the building down.
 6. The appeal site therefore lies between No 130, a large dormer bungalow and No 112, a substantial 2 storey property. However, the site together with No 114, constitutes a lower part of development, being the pyramidal roofed bungalow and its attached single storey flat roof garage/workshop. This allows views above the structures and contributes to the spacious feel of the area.
 7. Evidence submitted indicates that No 114 has consent for alterations and additions to its roof line. The submitted plan seems to show a pitched roof form and two front dormers. From these plans the roof line of the consented scheme would be slightly above No 130 and slightly lower than No 112; although higher than the pitched roof garage closest to No 114. The proposed new dwelling would follow this roof line pattern, with a front gable ridge being on a similar line to the consented No 114 ridge line, and the main roof being slightly higher than No 130.
 8. Due to this consistency in heights the roof line of the proposal in itself would not, I consider, appear out of place in the street scene, and space would be retained at the front of the dwelling for landscaping. However, when combined with the proximity of the proposal to both No 130 and 114 (in either its present guise or the extended version), the massing and overall size of the proposal would appear cramped in to the street scene.
 9. The development would remove an area within the street scene, that by virtue of its current low key single storey flat roof nature contributes to the spacious character of the area, replacing it with a two storey building, which, when combined with the existing surrounding development would substantially and adversely harm the character of the area. The spacious feel of the area on the north side of the street is derived not just from the set-back building lines of the properties and the open space and landscaping that this allows in front of the houses, but also the gaps, or perceived gaps in built form above single storey level, allowing views through to the sky beyond. Whilst the site widens slightly to the rear, this would not alter the perception of the cramped proposed 2 storey built form at the front of the plot.
 10. I note that the plot width would not be out of place in the wider area, and that many of the properties on the opposite side of the street have narrower plots. However, the 2 storey semi-detached nature of the southern side of the street contributes to a more built up character on this side, in direct contrast to the northern side where the often low level and set back nature of the dwellings or their side extensions contributes to the spaciousness and semi-rural feel of the street.

11. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the area. The proposal would be contrary to Policies BE2 and H12 of the Development Plan¹ which together state that a high standard of design will be required for new development, with the density of development making the most efficient use of sites consistent with the principles of good design and the creation of a range of high quality residential environments, enhancing townscape character by reflecting locally distinct patterns of development.

Living Conditions

12. There are three windows on the eastern elevation of No 130. It is not entirely clear from the evidence provided to me what rooms these windows serve, although the Council state that the front window serves a lounge and the rear two serve a bedroom. None of them appear to have obscure glass within them, although I note the appellants view that they should do. All of them are fairly small and one appears to have been moved quite recently. Due to their size and placement I do not consider that any of the windows would allow a significant amount of light in. The front lounge of No 130 has a large bay window relatively close to the moved side window and it is reasonable to assume that the majority of light for this room would come from this window, and the rear two windows have landscaping in front of them. All 3 windows are set at quite a high level, just below the eaves of the property.
13. The design of the proposal has a full width of some 8m at the front, but then cuts in at the rear. Due to the shape of the plot the property appears fairly long and narrow in plan form. The closest element of the western elevation of the proposal would present a dual 2 storey pitched roof to the side elevation of No 130, at fairly close proximity. However, the distances between the proposal and No 130 increase towards the rear, due to the angling of the properties. The rear bedroom appears from the plans to have large, stated to be bi-fold, doors into a sun room at the rear which includes a large light lantern in its roof, and of the two side windows which serve this room, the one at the rear would be some 5.7m from the closest elevation of the proposal.
14. Supplementary planning guidance² (SPG) contains a variety of situations where guidance is given for window separation distances to protect the living conditions of nearby residents. The Council consider that a distance of 12m is required between the flank elevations. This appears to be from section 10.1.4 of the SPG which states that a minimum distance of 12m will be required between the front and back of one dwelling and the side of another. However, this is not the case in this instance where the windows are in a flank elevation and would face another flank elevation, for which the SPG does not provide specific guidance.
15. Given the size, location and other factors, such as existing landscaping and the particular details of the rooms which the windows serve, I do not consider that the proposal would have a significant adverse effect on the living conditions of the residents of No 130, with regard to daylight and outlook. The proposal in this instance would comply with policy BE2 of the Development Plan, which states that development should be sustainable in terms of its layout. The decision notice also cites Policy H4; however, this policy concerns extensions

¹ The Coventry Development Plan 2001

² Design Guidance for New Residential Development, City of Coventry 1991

and the character and street scene of an area and so is not strictly relevant for this issue. I do note that the supporting text to this policy, whilst still concerning extensions, states that proposals should not restrict the amenity and daylight of adjoining properties, which I consider the scheme would not do. My findings on this matter should not be taken as an indication that I disagree with the thrust of the SPG. However, each proposal must be considered on its own merits.

Conclusion

16. I have concluded that the proposal would not have an adverse effect on the living conditions of the residents of the adjacent dwelling. However, this does not alter my conclusions that the proposal would adversely affect the character and appearance of the area and the scheme's conflict with the policies BE2 and H12 of the Development Plan. The social and economic benefits created by one additional dwelling would not, I consider, outweigh the harm created by the proposal, and the proposal would be contrary to the National Planning Policy Framework which states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR