
Appeal Decision

Site visit made on 9 May 2017

by Amanda Blicq BSc (Hons) MA CMLI

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

Decision date: 12 May 2017

Appeal Ref: APP/U4610/D/17/3171465

69 Palmerston Road, Earlsdon, Coventry, Warwickshire CV5 6FH

- 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 Mrs Katherine James against the decision of Coventry City Council.
 - The application Ref HH/2016/2828, dated 15 November 2016, was refused by notice dated 19 January 2017
 - The development is proposed side extension to existing single storey dining/kitchen at rear of property as Drg. Nos PR/008/01/02.
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Decision

1. The appeal is allowed and planning permission is granted for proposed side extension to existing single storey dining/kitchen at rear of property as Drg. Nos PR/008/01/02 at 69 Palmerston Road, Earlsdon, Coventry, Warwickshire CV5 6FH in accordance with the terms of the application, Ref HH/2016/2828 , dated 15 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan titled Sewer Record, Scale 1:500; Drawing titled Proposed rear extension 69 Palmerston Road; Dwg. No PR 1008/01.
 - 3) The materials to be used in the construction of external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the development on the living conditions of occupiers of 71 Palmerston Road (No 71), with particular regard to outlook and light.

Reasons

3. The development comprises a lateral extension of some 2 metres depth, to an existing single storey projection located at the rear of 69 Palmerston Road (No 69), which is a mid-terrace dwelling. The side wall of the development would be close to the boundary wall which delineates the plots of Nos 69 and 71. It would also be directly opposite No 71's half-glazed kitchen door and side
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- window, at a distance of some 1.9 metres¹. In addition, I noted that there were evergreen shrubs on both sides of the wall and that the kitchen door and associated side window are located on the north-westerly elevation of No 71.
4. The SPG² states that rear extensions should extend no more than 3.3 metres in depth from the nearest habitable window of an adjoining property, or beyond a 45 degree line drawn from the middle of that window. Although I acknowledge that the development's depth would exceed 3.3 metres when measured from No 69's two-storey rear elevation, the development is a lateral extension of an existing structure. Furthermore, the development would not project in a rearward direction beyond the footprints of No 69 and either of its neighbours. Consequently, I am not satisfied that guidance relating to the depth of rear extensions is entirely relevant in this instance.
 5. The Council argues that there is a window at No 71 that would be affected by the development. I noted that there are three further side windows at No 71 in addition to the kitchen, and none of these would face the development. Furthermore, on the occasion of my visit, the two smallest windows had closed curtains or blinds. Having reviewed the floor plan of the original development³ I conclude that these two windows serve the stairwell and what was originally a pantry, and are not habitable rooms.
 6. The third larger window on the side elevation of No 71 appears to serve a habitable room but as this would not directly face the development, its immediate outlook would remain unchanged. A 45 degree angle taken from the centre of this window would be obstructed by the development, but this line is currently obstructed by the existing single storey projection. Given the lateral distance between the development and this window I am not satisfied that the development's effect on diffused light or outlook would be sufficiently adverse to warrant dismissal of the appeal on the grounds of living conditions for No 71's occupiers.
 7. The kitchen side window faces the development, but having reviewed the plans I conclude that a 45 degree line taken from its centre would clear the outermost corner of the development. This would conform to the 45 degree guidance in the SPG.
 8. There is also a large window perpendicular to No 71's flank wall, on a recessed section of its rear elevation. This window faces No 71's garden and the development would project into this view on one side. The evidence before me indicates that the centre of this window is some 800mm from the boundary wall⁴.
 9. The view from this window is already significantly enclosed and tunnelled by the boundary wall and associated shrubs, as well as the flank walls of Nos 69 and 71, and the development would be some 5 -6 metres away. As such, although I appreciate that the development would represent a further enclosing element, I am not satisfied that this would have a significant adverse effect on living conditions. In the light of the above, I give the Council's argument with regard to guidance in the SPG, little weight.

¹ Measurements scaled from Dwg. PR 1008/01

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

³ Titled '16 Proposed New Houses'

⁴ Measurements scaled from Dwg. PR 1008/01

10. I also conclude that the relative orientation of Nos 69 and 71 would reduce the likelihood of the development causing significant overshadowing to No 71.
11. Consequently, I conclude that the development would not be contrary to Policy H4 of the Local Plan⁵ (LP) which seeks amongst other issues to restrict the amenity, privacy and daylight of adjoining properties, or LP Policy BE2 which outlines general design principles.

Conditions

12. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In respect of the plans, I have imposed a condition specifying the drawings upon which I have based this appeal, as this provides certainty. Although submitted as evidence I have not included the original floor plan for development on Palmerston Road⁶, as it is not relevant to the implementation of the development before me.
13. I have also imposed a condition requiring that materials used on the external surfaces of the development match the host dwelling in order to safeguard the appearance of the area. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

14. For the reasons given above and taking all matters into account, I conclude that the development would not be contrary to the relevant policies of the Council's Local Plan and that therefore the appeal should be allowed.

Amanda Blicq

INSPECTOR

⁵ Coventry City Council, The Coventry Development Plan, adopted December 2001

⁶ Titled '16 Proposed New Houses'