
Appeal Decision

Site visit made on 16 May 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 9 June 2017

Appeal Ref: APP/U4610/W/17/3168421

Land to the rear of 400 Swan Lane, Coventry, CV2 4QS

- 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 Carmelo Borsellino against the decision of Coventry City Council.
 - The application Ref FUL/2016/2579, dated 20 October 2016, was refused by notice dated 15 December 2016.
 - The development proposed is a new build chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Both parties have cited a previous appeal decision on the site but I have not been supplied with a copy of that decision or the relevant appeal case reference number and as such I give it little weight. In any case, I am required to determine the appeal on its individual merits.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - The character and appearance of the area; and
 - The living conditions of the future occupiers of the proposal with regard to outlook, sunlight and daylight.

Reasons

4. The appeal site comprises part of the rear garden associated with 400 Swan Lane (No 400). No 400 is situated adjacent to the junction of Swan Lane and Swancroft Road. The rear boundary of the appeal site adjoins the A444 which is a dual carriageway and is at an appreciably lower level than the site. The majority of dwellings close to the appeal site are 2-storey semi-detached dwellings with generous rear garden areas that bound the A444 and this provides a sense of spaciousness.
 5. This is particularly evident when looking across the appeal site towards the rear of dwellings from Swancroft Road, where the generous, mainly open garden areas can be seen from public viewpoints in the highway. There are outbuildings within the rear gardens but they are single storey and of relatively modest proportions.
 6. The proposed dwelling would be a detached 1½ storey chalet style bungalow and it would be positioned at the far end of No 400's rear garden with the main
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elevations facing the rear elevation of No 400 and the A444. The confines of the site would result in the rear and side elevations of the proposal being in close proximity to the rear and side boundaries of the site. The proximity of the proposed building to these boundaries would give the development a cramped form untypical of the traditional character of the area.

7. Moreover, its location in close proximity to the A444 emphasises its incongruity with the existing pattern of development in the vicinity of the site. Furthermore, even though there would be a dormer window in the roof, this would serve a bathroom and the flank wall facing Swancroft Road would be blank. As such, it would have no active street frontage whereas the majority of dwellings in the surrounding area have their main elevation facing the highway.
8. I acknowledge that the surrounding area is residential in character and in this respect the proposal would be compatible with that character. However, an absence of harm in this regard does not outweigh the harm that I have identified above.
9. Taking into account all of the above the proposal would be significantly harmful to the character and appearance of the area. The proposal would conflict with saved Policies H9, H12 and BE2 of the Coventry Development Plan 2001 (CDP) which, among other things, seek the provision of an attractive residential environment and a high standard of design, having regard to the location and setting of the site and enhancing the existing character and distinctiveness of the local area.

Living Conditions

10. As stated above, the proposed dwelling's rear elevation would be in close proximity to the boundary with the A444. This boundary is formed by a brick wall of around 2.4 metres in height. At such close range the boundary treatment would be overbearing and oppressive in relation to the outlook from the habitable rooms facing it. Moreover, the windows in the rear elevation would be the only windows to those rooms.
11. The Council's Officer Report makes no distinction between sunlight and daylight and it does not include any technical evidence such as sunlight or daylight analysis in relation to this matter. Due to the orientation of the windows on the rear elevation they would mainly receive sunlight in the morning. However, there would be an appreciable level of overshadowing from the boundary walls. In addition the amount of daylight that would be received in these rooms would be restricted given the position of the windows relative to the boundary walls.
12. My assessment of the appeal site and the development lead me to conclude that future occupiers of the proposal would not have satisfactory living conditions with regard to outlook, daylight and sunlight. The proposal would therefore conflict with saved CDP Policies H9, H12 and BE2 insofar as they relate to living conditions. The proposal would also conflict with paragraph 17 of the National Planning Policy Framework (the Framework) which requires a good standard of amenity for all existing occupants of land and buildings.

Other Matters

13. In terms of the three dimensions to sustainability set out in paragraph 7 of the Framework, the proposal would make a limited contribution to the local economy through its construction and occupation. I acknowledge that there would be sustainability benefits associated with the proposal. Specifically, the

appeal site is within the built up area of Coventry where there is a range of services, facilities and employment opportunities available. An additional dwelling would be created which would make a small contribution to housing supply.

14. However, I have found that the development would have a significantly harmful effect on the character and appearance of the area and that future occupiers of the proposal would not have satisfactory living conditions. That harm outweighs the benefits associated with the scheme. As such it would not accord with the environmental and social dimensions and it would not comprise sustainable development.
15. The harm that would be caused also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

16. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR