
Appeal Decision

Site visit made on 27 June 2017

by M Aqbal BA (Hons) DipTP MRTPI

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

Decision date: 27 July 2017

Appeal Ref: APP/U4610/D/17/3172896

91 Birmingham Road, Allesley, Coventry CV5 9GT

- 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 Stephen O'Sullivan against the decision of Coventry City Council.
 - The application Ref HH/2016/2474, dated 7 October 2016, was refused by notice dated 8 February 2017.
 - The development proposed is combined summer house and garden shed at the bottom of the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The summer house is under construction and substantially complete, and I was able to view it in place during my site visit; the proposed storage building has not been built.

Main Issues

3. The main issues are:
 - whether the development preserves or enhances the character or appearance of the Allesley Village Conservation Area, and;
 - the effect of the development on the living conditions of residents at Harry Caplan House in respect of outlook.

Reasons

Character and appearance

4. The appeal site comprises a mid-twentieth century detached dwelling with a modest sized rear garden and sits in the south-west corner of the Allesley Village Conservation Area (CA). The CA is centred around a core of historic buildings along Birmingham Road. Beyond this is predominantly mid-twentieth century housing. To the rear of the site is a more modern development in the form of flats known as Harry Caplan House, which is established and settled within the CA. Based on my observations, within the vicinity of the appeal site the character and appearance of the CA is defined by the architectural quality and variety of its buildings, which creates an attractive and varied streetscape
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- along Birmingham Road. The wider area, which includes modern development is also well preserved and contributes to the overall quality of this wider designated heritage asset.
5. Policy BE9 of the Coventry Development Plan 2001(CDP), sets out criteria for assessing the acceptability of new development in Conservation Areas. Relevant criteria to this appeal are the acceptability of the development in terms of siting, size and appearance and its effect on townscape and landscape features.
 6. The appeal property has a large terrace to the rear, which steps down to the rear garden. The summer house is located at the bottom of the garden. The proposed store room would be located along the side of the rear garden adjacent to the boundary with 89 Birmingham Road (No 89), between the terrace and summer house.
 7. The materials used for the construction of the summer house and the storage building comprise mainly red brick with some rendered blockwork and clay roof tiles to match those on the dwelling. The roof of the summer house includes roof lights. The front elevations of the two outbuildings would principally be fitted with glazed doors. In terms of size the summer house almost fills the width of the garden and to the ridge is approximately 3.5m high. The depth of the summer house is approximately 3m. Consequently, this building takes up a large section of the rear garden and is of a substantial scale and height. The scale of built development in the garden would be further increased by the addition of the proposed storage building.
 8. I acknowledge that due to the considerable levels difference between the highway and the rear garden, the existing and proposed building would not be readily visible from along Birmingham Road.
 9. I have also taken into consideration views of the development from other areas within the CA. In particular, I noted that the summer house is clearly visible in views from a paved parking area which serves Harry Caplan House. This area is accessed off The Bridle Path and backs onto some of the gardens to dwellings on Birmingham Road. Despite the garden to the appeal site being furthest away from the car park and part screened by fencing and landscaping; the summer house is still prominent. In general, the rear boundaries of these dwellings along Birmingham Road comprise fencing and planting with the roofs of small, mainly timber outbuildings being just visible above boundary treatments.
 10. In contrast, due to its height, scale and appearance, notably the extent of brickwork above the fence, the summer house is a significant new built development, which interrupts the generally low lying pattern of small outbuildings and is clearly a discordant feature in its setting, which adversely impacts on the character and appearance of the area. The proposed storage building would further exacerbate this impact.
 11. The appellant states that the original proposals for Harry Caplan House included a landscaping buffer to the rear of No 91, and as this was never implemented, it results in the rear boundary of the appeal site being exposed. I have limited information in respect of this and in any event I have to determine the appeal in light of the current situation.

12. I have also taken into consideration the appellant's intention to undertake some additional landscaping to the rear of the summerhouse on land within his ownership. However, I have no details of this. I am also mindful that any such landscaping would take time to establish. Moreover, the side elevation of the summer house facing the parking area contributes to its impact and there is limited space for any significant planting to the side of the building.
13. I accept that the summer house and proposed storage building would be largely shielded from public view. Irrespective, the requirement for development proposals to preserve or enhance the character or appearance of the CA applies whether or not the proposal is prominent or in public view.
14. I have also had regard to paragraph 60 of the National Planning Policy Framework, which states planning policies and decisions should not attempt to impose architectural styles or particular tastes. However, in this instance the issues relate to the scale and appearance of development and its location within a CA.
15. For the above reasons the proposal would fail to preserve or enhance the character and appearance of the CA and the significance of the heritage asset would be harmed. I attach considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
16. The harm the proposal would cause to the significance of the CA would be less than substantial on the basis that the proposal would only harm part of the significance. Paragraph 134 of the National Planning Policy Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal. There are no public benefits arising from the development.
17. The appellant states that the increase in the height of the summer house is as a consequence of using raft foundations to safeguard an adjacent tree. However, this consideration in itself does not outweigh the harm identified above.
18. Accordingly, I find that the development conflicts with Policy BE9 of the, CDP, which seeks to support new development that protects or enhances Conservation Areas. Also, the development conflicts with Policies BE2 and H4 of the CDP, which amongst other matters seek to respect and enhance townscape character by reflecting locally distinct patterns of development.

Living condition

19. The rear elevation of the summer house is adjacent to a gated walkway, which runs along the side and rear of Harry Caplan House. The windows along the rear elevation of Harry Caplan House face away from the garden of No 91 and look onto a landscape buffer between the flats and the rear garden of 89 Birmingham Road. The flats also have rear facing outdoor amenity areas, which include side facing timber and brick screens to safeguard privacy, these part screen the summer house from amenity areas. As such, whilst the rear of the summer house is visible in passing along the walkway and partly viewed from the rear amenity areas to the flats, these passing and limited views do not restrict or result in any serious harm to the outlook of the occupiers of

Harry Caplan House. I therefore conclude that the proposal does not conflict with Policy H4 of the CDP, which in its supporting text states that extensions and alterations to dwellings should not restrict the amenity, privacy and daylight of adjoining properties.

Other Matters

20. The appellant has stated that the development, as proposed meets with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015, Class E. However, the appeal before me is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission. As such, I have considered the appeal on this basis.

Conclusion

21. Notwithstanding my findings on the effect on living conditions, this does not outweigh the harm I have identified to the character and appearance of the CA and the conflict with the development plan as a whole. For the reasons set out above, I dismiss this appeal.

M Aqbal

INSPECTOR