



Appeal Decision

Site visit made on 5 December 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 12th December 2017

Appeal Ref: APP/U4610/W/17/3181999

389 Green Lane, Finham, Coventry CV3 6EJ

- 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 Sohan Thadwal against the decision of Coventry City Council.
 - The application Ref FUL/2017/0619, dated 6 March 2017, was refused by notice dated 15 May 2017.
 - The development proposed is proposed new semi-detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new dwelling at 389 Green Lane, Finham, Coventry CV3 6EJ in accordance with the terms of the application, Ref FUL/2017/0619, dated 6 March 2017, 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: Existing House A001, Proposed Plans and Site Plan A002, Proposed Elevations A003.
 - 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
 - 4) No development shall commence until details of all walls, fences, gates, or other means of enclosure to be erected in or around the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) No dwelling shall be occupied until space has been laid out within the site [in accordance with drawing no. A002] for 2 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.

Procedural Matter

2. The application form describes the proposed development as: *new semi-detached dwelling*. However, I consider that not to be an accurate description of the proposal as the new dwelling would not be semi-detached. I consider that the description of the proposed development as used by the Council, that

is: *erection of new dwelling*, is a more accurate description, and I have used it in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 391 Green Lane with particular regard to outlook, overshadowing and light.

Reasons

4. The appeal site is the garden of a two storey semi-detached property, 389 Green Lane. It lies in a residential area. The proposed development would extend the property sideways to form a new dwelling, effectively creating a small terrace block of three houses. The proposal would involve the demolition of an existing garage which lies to the side of the house and extending the property outwards at two storey to within around 1m of the boundary with 391 Green Lane. 391 Green Lane is a semi-detached property which has an attached garage and conservatory to the side.
5. There are three small windows plus the conservatory on the side of 391 facing the appeal property. One window is at first floor and serves a hallway and one on a small brick built rear extension would appear to be secondary. Given their function and that they are some distance away from the boundary I consider that the proposed development would not have an adverse effect on the living conditions of the occupants of 391 Green Lane. The other small window serves a garage.
6. The conservatory sits behind the garage. It has a slight sloping roof and windows and glazed doors which face the boundary with the appeal site. There are also windows which face out towards the garden.
7. The conservatory forms part of the house. The Council considers the conservatory to be a habitable room. From my site visit I could see that there were chairs and a table in the conservatory and I would expect it to be used as part of the enjoyment of the house. However, the conservatory appears relatively lightweight. I have no evidence before me as to how well it is insulated, how well it is used, or whether it is used all year round.
8. Currently the outlook from the windows and door on the appeal site side of the conservatory would be to the boundary fence and the existing detached garage behind it. The fence would remain in the proposed scheme and so the outlook at that height would remain largely as now.
9. The side wall of the proposed dwelling would be set off the boundary by around a metre. It would have a greater impact on outlook from the side conservatory windows than the current situation due to the bulkier form and height of the building compared to the existing fence and garage. However there would still be a distance of around 5m to the flank wall from the conservatory side windows. Whilst I consider that there would be some harm to outlook as a result of the proposed development, I consider that this would not be to an unacceptable degree given the current outlook to the fence and garage, that the fence would remain, the size of the gap between the conservatory and the proposed dwelling, and that the side windows are not the only windows in the conservatory.

10. The appeal site lies roughly in a northerly direction to 391 Green Lane. The conservatory side windows face a northerly direction. The use of the outside space is valued by the occupant at 391 Green Lane. Evidence presented by the appellant regarding sun path analysis is not disputed by the Council. This analysis shows there to be no overshadowing to the rear garden or conservatory during the day and only overshadowing to part of the garden during the evening. Whilst there would be likely to be some impact on daylight into the conservatory, I consider that this would not be to an unacceptable degree given the extent of the gap, and that the proposed dwelling lies in a northerly direction to 391 Green Lane and that the side window is not the only window.
11. The hall window is further away from the boundary than the conservatory and I consider that the impact on light into the hall window from the proposed dwelling would be minimal.
12. For the reasons set out above, I conclude that the proposed development would not have a harmful effect on the living conditions of the occupants of 391 Green Lane with particular regard to outlook, overshadowing and light. I conclude that the proposed development would accord with Policy H4 of the *Coventry Development Plan 2001* (the CDP) which requires residential extension and other alterations to respect local character and streetscene, Policy H12 of the CDP which sets out requirements for the design and density of housing development, and Policy BE2 of the CDP which sets down design principles for new development. I find no conflict with the guidance in the Council's *Design guidance for new residential development* Supplementary Planning Guidance.

Other matters

13. The Council consider that the design of the proposed new dwelling would relate well to the host building and the creation of a terrace would not be out of keeping with the local area. I have no reason to disagree with that view. The Council's highway officers are satisfied that there will be no adverse impact on highway safety given the provision of off-street car parking, subject to a condition, and I have no evidence to reach a different conclusion on that matter.
14. Planning Practice Guidance highlights that the courts have held that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.

Conditions

15. I have not been provided with any suggested conditions by the Council but some have been suggested by the appellant. I have considered these in accordance with the Planning Practice Guidance and the National Planning Policy Framework.
16. In addition to the standard condition relating to the time period for implementation of the permission, there is a need for a condition specifying the plans to which the permission relates, in the interests of clarity and certainty. There is a need for a condition relating to materials in the interests of the character and appearance of the area. There is also a need for a condition

relating to boundary treatments, in the interests of the character and appearance of the area and the living conditions of the occupants of neighbouring properties.

17. There is also a need for a condition to ensure the provision of off-street parking spaces in the interests of highway safety.

Conclusion

18. For the reasons given above, and having considered all matters raised, I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR