
Appeal Decision

Site visit made on 18 June 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/U4610/W/19/3219621

Land at the rear of 1 Grenville Avenue, Coventry, West Midlands CV2 4AN

- 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 Sandhu against the decision of Coventry City Council.
 - The application Ref FUL/2018/1423 dated 11 May 2018 was refused by notice dated 10 July 2018.
 - The development proposed is new build 1 bed property.
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Decision

1. The appeal is dismissed

Procedural Matter

2. A revised National Planning Policy Framework (the Framework) was published after the issue of the Council's decision. However, as any policies of the Framework that are relevant to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have had regard to the revised version in reaching my decision.

Main Issues

3. The main issues are the effect of the appeal proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of 1 Grenville Avenue with particular regard to overshadowing and outlook.

Reasons

Character and appearance

4. Grenville Avenue is accessed off and largely runs parallel to Church Lane. It forms a T shape as the first section of the avenue leads to the main part of the avenue where it splits into two sections with rows of largely symmetrical terraced dwellings on both sides. No 1 Grenville Avenue is on the corner of the two sections of the road so that the appeal site which previously formed part of the garden of No 1 would front onto the first section of the avenue.
5. To the west of the appeal site is a private gated open alley which provides access for rear garages of dwellings on Church Lane and the dwellings on Grenville Avenue beyond 1 Grenville Avenue which back onto the alley. No 1 Grenville Avenue no longer has access to the private alley as the appeal site is fenced off but the original rear garage of No 1 remains within the appeal site.

6. The prevailing character of Grenville Avenue and Church Lane is of blocks of largely symmetrical terraced dwellings with elongated plots. The houses that back on to the private alley have long gardens with garages on the rear boundary with access to the private alley. The private alley arrangement is repeated on the other side of the avenue.
7. The appeal proposal would provide a one bedroom partly 2 storey dwelling with the original garage remaining and incorporating a kitchen and bathroom. The original garage is located in the corner on the appeal site and is in line with the other garages to the rear of the gardens on Grenville Avenue.
8. There is a modest, narrow detached dwelling at 1A Grenville Avenue that was formerly used as a workshop and office to the other side of the private alleyway. Whilst the appeal proposal's design has some similarities with 1A Grenville Avenue that dwelling is not indicative of the style of houses or prevailing pattern of development on both Church Lane and Grenville Avenue.
9. The siting of the appeal dwelling to the rear of what was formerly garden land would introduce an incongruous feature where the established pattern is of terraced dwellings with elongated gardens. The design which retains the garage with a flat roof to accommodate a modest kitchen and bathroom and part of the stairs is not in keeping with the style of the houses on Grenville Avenue and Church Lane.
10. I therefore conclude that the appeal proposal would harm the character and appearance of the area. It would be contrary to Policy H3 of the Coventry Local Plan 2016 (the Local Plan) which states, amongst other things, that new development should enhance the build environment. It would also be contrary to Policy DE1 of the Local Plan which, amongst other things, seeks to ensure that development enhances the character of the surrounding area with regard to scale and design.

Living conditions

11. The Council's Design Guidance for New Residential Development (the Guide) refers to various measurements to help minimise overshadowing and maintaining privacy. The distance between the appeal dwelling and No 1 Grenville Avenue would be in excess of the recommended 12 metres distance between buildings. The garden of the appeal dwelling does also meet the recommended distance of 10 metres which is referred to as being for similar reasons in the Guide.
12. The appellant refers to the garden of No 1 being around 4 metres and the Council refers to it as being 9.5 metres. The difference in measurements appears to relate to a strip of land which is shown as being within the ownership of the appellant but has not been included in the appeal site. Although the appellant has referred to moving the fence by 500mm to increase the garden size of No 1, I can only consider the appeal proposal before me.
13. However, the position of the appeal dwelling to the rear of the appeal site together with the overall distance between the two dwellings would in my view be sufficient to not harm the living conditions of the occupiers of No 1 due to overshadowing.
14. With regard to outlook, the existing garden of No 1 is currently around 4 metres with an existing fence to the rear. In addition, the appellant proposes a

6 foot fence to the rear of the appeal boundary leaving a gap between the appeal site and No 1. The view from the rear of No 1 particularly at first floor level would be of a grey rendered side elevation wall with no windows and a shallow pitched roof. Whilst not dissimilar to the existing view of No 1A, the appeal proposal would be closer. The addition of a 6 foot fence and the reduced rear outdoor space at No 1 would add to the sense of enclosure and result in harm to the living conditions of the occupiers of No 1 with regard to outlook.

15. The appeal proposal would therefore be contrary to Paragraph 127 of the Framework which refers to achieving high standards of amenity and the Guide which, amongst other things, seeks to ensure that adequate separation distances are provided between development. It would also be contrary to Policy DE1 of the Local Plan which, amongst other things, states that development should respond to the physical context of the site.

Other matters

16. The appellant considers that the appeal proposal would make effective use of an overgrown site and would provide accommodation for a single person or a couple. However, the condition of the site is within the control of the appellant and the dwelling would make a very modest contribution towards the housing supply. One letter of support has been received. However, these matters do not either individually or collectively alter my findings of harm.
17. The grant on appeal of the conversion to a dwelling at 1A Grenville Avenue is referred to by the appellant as setting a precedent. However, each decision has to be considered on its own merits in accordance with the relevant policies in force at the time of the decision. Whilst, the appellant has referred to other options being considered for the appeal site, I can only consider the application that is before me.

Conclusion

18. I have found that the appeal proposal would harm the character and appearance of the area. I have not found that the proposal would harm the living conditions of the occupiers of No 1 as a result of overshadowing but I have found harm to living conditions of No 1 with regard to outlook.
19. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR