



Appeal Decision

Site visit made on 2 June 2020

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2020

Appeal Ref: APP/U4610/W/19/3243195

88A Three Spires Avenue, Coventry CV6 1JX

- 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 Alex Sapala against the decision of Coventry City Council.
 - The application Ref FUL/2019/2768, dated 1 November 2019, was refused by notice dated 13 December 2019.
 - The development proposed is described as conversion of existing dwelling to form three apartments with erection of single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of existing dwelling to form three apartments and erection of rear extension at 88A Three Spires Avenue, Coventry CV6 1JX in accordance with the terms of the application, Ref FUL/2019/2768, dated 1 November 2019, subject to the conditions set out in the Schedule at the end of this decision.

Procedural Matter

2. The description in the header above is taken from the application form. The Council's decision notice and appeal form include a slightly different description that I consider more closely reflects the proposal shown on the submitted plans. As it is used by both main parties, no injustice would be caused by basing my assessment on the revised description and it is used in my decision.

Main Issues

3. The main issues are the effect on the living conditions of the occupiers of 91 Poole Road (No 91) in respect of outlook and noise disturbance.

Reasons

Outlook

4. To the rear of the appeal property a fence and a line of trees lie on the site boundary with No 91's back garden. The proposed alterations to the existing 2 storey element to the rear of the house would lead to only a marginal increase in height and would be largely unseen from the neighbouring property. However, the upper part of the proposed single storey extension would be visible above the fence from No 91.
5. The extension would breach the 45 degree line taken from windows on the rear of No 91 and would project out more than 3.3 m. As such, it would be contrary to the Council's Extending Your House – Household Design Supplementary

Planning Guidance (SPG). However, the proposal would require the removal of the trees on the site, which are tall and dense and so form a dominating barrier to outlook from the rear of No 91. As it would be markedly lower and less visually intrusive than the trees, the single storey extension would improve, rather than restrict, the outlook from No 91.

6. For these reasons, the proposal would not harm the living conditions of occupiers of No 91 in respect of outlook. In this regard, it would accord with policies DE1 and H3 of the Coventry City Council Local Plan 2017 (LP) and the National Planning Policy Framework (the Framework). These aim, amongst other things, to ensure developments respect their surroundings and create places with a high standard of amenity for occupiers of property. The proposal would not strictly comply with the SPG but the considerations set out above are of sufficient strength to collectively outweigh that non-compliance.

Noise disturbance

7. The Council raise concern that the proposal would lead to additional noise as a result of an increase in comings and goings from the site. However, the existing 4 bedroom house could accommodate several residents and so it is uncertain that the proposal would result in more people living at the appeal property, even if each apartment was occupied by more than one person. In any event, the entrances to the apartments would be on the side of the building facing the road and so it is unlikely that any noise caused by comings or goings would have noticeable effects on No 91. Also, it is unlikely that the proposed dwellings would lead to uncharacteristic noisy activities.
8. For these reasons, I conclude that the proposal would not cause harm to the living conditions of the occupiers of No 91 by reason of noise disturbance. Consequently, and in this regard, it would be in accordance with policies DE1 and H3 of the LP and the Framework which aim, amongst other things, to ensure development does not give rise to noise impacts that cause significant adverse impacts on the quality of life.

Other Matters

9. A number of other matters have been raised. The proposed development would be a sufficient distance away from other properties to avoid harmful overlooking or loss of light. It would also be in keeping with the host property and would avoid harm to the character of the area by reason of terracing. The external appearance of the building would not significantly alter as a result of the proposal and it would remain in keeping with the character of the area. The trees on the site do not make a meaningful contribution to the attractiveness of the locality and so their removal would be acceptable in this regard.
10. The proposal would include off-street parking spaces and there is no evidence to suggest it would lead to additional demand for roadside parking that would cause highway safety or capacity problems. There are no grounds to conclude the proposal would be unacceptable in terms of fire precautions or hygiene. Planning is concerned with land use in the public interest and so the effect on private property values is not a material factor.
11. In the absence of any substantive evidence to dismiss the appeal on any of the above grounds or complaints, the concerns raised do not override or affect my conclusions on the main issues.

Conditions

12. I have considered the planning conditions suggested by the Council, having regard to the tests set out in the Framework. Where appropriate, I have amended the wording for reasons of precision.
13. In the interests of certainty, a condition is necessary to ensure that the development is carried out in accordance with the approved plans. To ensure a satisfactory appearance, a condition is imposed that requires the external materials of the development to match those of the host property. To avoid indiscriminate on-street parking, a condition is imposed that requires the on-site parking spaces shown on the plans to be provided and retained. A condition requiring cycle parking facilities is necessary to encourage sustainable modes of travel to and from the proposal. To protect air quality, conditions are necessary that set out standards for gas-fired boilers and that require the provision of an electric vehicle charging point. To protect the living conditions of neighbouring properties, a condition is imposed that requires the laying out and retention of a bin storage area.
14. The Council suggest a condition removing permitted development rights that allow the conversion of dwellinghouses to any use within Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended). However, paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. As it stands, the property benefits from these permitted development rights and so I find no reason to impose this condition.

Conclusion

15. For these reasons, I conclude the appeal should be allowed as set out in the formal decision above.

Jonathan Edwards

INSPECTOR

Schedule of Planning 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: D-002 revision A, D-005 revision A.
- 3) Apart from where specified on the approved plans, no facing and roofing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.
- 4) None of the apartments hereby permitted shall be occupied unless and until car parking spaces have been provided, completed and marked out in full accordance with the approved drawings and made available for use by the occupants and/or visitors to the dwellings and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.

- 5) Prior to occupation of the apartments hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
- 6) Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh.
- 7) One electric vehicle recharging point shall be provided prior to occupation and shall not be removed or altered in any way and shall be kept available for such use by residents at all times.
- 8) The development hereby permitted shall not be occupied unless and until the bin storage area has been laid out and provided in full accordance with the approved details and thereafter those facilities shall remain available for use at all times. All bins which serve the development must be stored within the approved bin storage area and not positioned on the public highway, unless on waste collection days.

-----END OF DECISION-----