The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/U4610/W/20/3251353
129-131 Hearsall Lane, Earlsdon, Coventry CV5 6HG

- 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 Terry Griffin of Kenilworth Property Services against the decision of Coventry City Council.
- The application Ref HH/2019/2052, dated 19 July 2019, was refused by notice dated 28 October 2019.
- The development proposed is erection of first floor rear extension and roof over with alterations.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development as it appears on the Decision notice and appeal form as this succinctly describes the development proposed.

Main Issue

3. The main issue is the effect on the living conditions of the occupants of neighbouring properties with regards outlook and light.

Reasons

4. The appeal site is 2 mid terrace properties in a residential road. A number of properties in the road have rear projections which are a mix of single storey and 2 storey developments. The rear extensions of No 129 and No 131 both have a catslide roof.

5. The proposal would extend some 4.7 metres. Although comparable with some other single storey extensions, the scheme would include a first floor element. This would add considerably to the scale and bulk of the development which would have an overbearing impact on the living conditions of the occupants of No 127 and No 133 given their close proximity.

6. The development would breach the 45 degree sightline when viewed from neighbouring properties and would also have an overshadowing effect. Whilst the appellant contends that the scheme would restore what was originally there, there is little evidence to support this. In any event it would not make the harm to the living conditions of the neighbouring properties acceptable.

Reference has been made to an existing breach of the 45 degree rule. However, this would not justify an exacerbation of the harm.

7. The scheme would harm the living conditions of the neighbouring occupants in terms of outlook and light. It would therefore conflict with paragraph 180 of the National Planning Policy Framework which requires new development to be appropriate for its location, taking into account the effects of amongst other things living conditions. It would also conflict with the relevant part of the Coventry Extending Your Home – a design guide Supplementary Planning Document. The Decision notice refers to Policy DE1 of the Coventry Local Plan 2016. However, this policy primarily relates to matters of character and appearance which are not contested.

Other Matters

8. I acknowledge the appellant's point that the appearance of the existing rear elevations of the properties with the catslide roof is out of keeping with other properties in the row. Nevertheless, the benefit of removing the incongruous catslide roof, along with the creation of additional bedrooms would be outweighed by the harm to the living conditions of neighbouring occupiers as a consequence of the scale of the development proposed. This is despite amendments made to the scheme prior to determination by the Council.

9. The appellant's reference to compliance with Building Regulations is a standard requirement to which I give neutral weight.

Conclusion

10. For the reasons identified and taking into account all other matters, including a lack of objection from neighbours, I conclude that the appeal should be dismissed.

K Ford

INSPECTOR