



Appeal Decision

Site visit made on 11 August 2020

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 19 August 2020

Appeal Ref: APP/U4610/D/20/3252578

16 Stivichall Croft, Coventry CV3 6GN

- 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 H Nat against the decision of Coventry City Council.
 - The application Ref HH/2019/2455, dated 25 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed is a single storey rear extension and internal alterations, including garage conversion.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and internal alterations, including garage conversion at 16 Stivichall Croft, Coventry CV3 6GN in accordance with the terms of the application, Ref HH/2019/2455, dated 25 September 2019, and the plans numbered 2017/14/SUR/100, 2017/14/PA/102, 2017/14/SUR/101, 2017/14/PA/100, subject to the following condition:
 - 1) The materials used in the construction of the external surfaces of the garage conversion shall match those used in the existing building.

Procedural matter

2. A single storey rear extension has already been constructed. On the basis of what I have read and seen I am satisfied that the extension is the same as that for which planning permission has been applied for and I have determined the appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of 14 Stivichall Croft with regard to outlook, overshadowing and levels of daylight.

Reasons

4. The appeal property and No 14 are large two storey detached houses on adjacent plots with long rear gardens. The single storey rear extension is rectangular in shape and is located close to the tall side boundary hedge that separates No 16 from No 14.

Outlook

5. Owing to the greater set-back of the house at No 16 the outlook from the nearest rear ground floor room at No 14 is already largely enclosed by the two storey flank wall of the appeal property. Given the wide width of the rear elevation of No 16, which contains three large ground floor windows, and its long wide rear garden, this does not impinge unduly on outlook from this dwelling. In this context, I find that the extension in projecting 4 metres to the rear of No 16, only partly above the tall side boundary hedge, is not overbearing and does unduly enclose the outlook enjoyed from the rear of No 14.
6. Supplementary planning guidance '*Extending Your Home – A Design Guide*' (SPG) has been subject to public consultation and formally adopted. I therefore attach significant weight to it. The extension is in conflict with the SPG in that its depth breaches a 45 degree line from the middle of the nearest habitable room window at No 14. The SPG recognises though that each application should be determined on its merits. For the reasons given above, and the fallback position of what can be constructed under permitted development rights described below, I find that the scale of the extension is insufficient to cause material harm to the outlook enjoyed at No 14.
7. In reaching this finding I am mindful of the Lawful Development Certificate (LDC) that was issued for a rear extension of the same width and length as the built development but with a lower eaves height. Under the relevant Order¹ though an extension of the same dimensions could be built with a higher eaves height than in the LDC scheme. As this would have a similar effect on living conditions at No 14 as the appeal proposal, and it is very likely that if the appeal was dismissed the proposal would be modified to accord with the GPDO, this is a fall-back position to which I attach material weight.

Overshadowing and levels of daylight

8. The rear elevations of both houses face the north west rather than the south. As a result, shielded by the house until late afternoon, the extension does not overshadow No 14 to a meaningful extent. Turning to daylight, as the extension only increases enclosure at ground floor level on one side to the rear of No 14, daylight levels would not be materially harmed.
9. Taking all these matters into account, I therefore conclude that as the extension does not have a significant adverse effect on the outlook enjoyed from No 14, and does not significantly overshadow it, or materially reduce the levels of daylight it enjoys, living conditions at this dwelling have not been materially harmed by the development. Whilst therefore it would not comply with all of the SPG guidelines for single storey rear extensions, it would comply with policy DE1 of the Coventry Local Plan, which amongst other matters, seeks to prevent such harm.

Other matters

10. The extension is subservient in size to the existing house and its external finish complements its appearance. The lantern rooflight is an attractive architectural

¹ The Town and Country Planning (General Permitted Development) (England) Order 105 (as amended)

feature that enhances the appearance of the extension. Subject to the attachment of a suitable condition requiring the use of matching materials the conversion of the garage would also complement the appearance of the dwelling. I therefore find that the scheme is well designed and complies with policy DE1 of the Coventry Local Plan which, amongst other matters, requires that new development respects and enhances its surroundings.

Conclusion

11. For the reasons given above, I therefore conclude that the appeal should be allowed. In order to ensure that the garage conversion complements the appearance of the house the external materials used need to match the existing house. I have required this matter by condition.

Ian Radcliffe

Inspector