The Planning Inspectorate

Appeal Decision

Site Visit made on 5 January 2021 by S Watson BA(Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2021

Appeal Ref: APP/E3715/D/20/3261733
231 Rugby Road, Binley Woods, COVENTRY, CV3 2BB

- 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 Satnam Saimbhi against the decision of Rugby Borough Council.
- The application Ref R20/0081, dated 2 February 2020, was refused by notice dated 16 September 2020.
- The development proposed is 2 storey front, side and rear extension and raising the roof ridge.

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey front, side and rear extension and raising the roof ridge at 231 Rugby Road, Binley Woods, Coventry CV3 2BB in accordance with the terms of the application, Ref R20/0081, dated 2 February 2020, subject to the following conditions:

   1) The development hereby permitted shall begin not later than three years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans numbered: C352/001, C352/002 Rev C, C352/005 Rev C, C352/006 Rev C, C352/007 Rev C, C352/008 Rev C, C352/009 Rev C, C352/010 Rev C.

   3) No development above ground level shall take place until details of the external materials to be used in the construction of the development have first been submitted to, and approved in writing by, the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

   4) The extensions hereby permitted shall not be occupied until the hereby approved first-floor side windows have been fitted with obscured glazing, and no part of those windows that is less than 1.5 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Appeal Procedure

2. The site visit was carried out by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is located on the north side of Rugby Road (A428), set back from the carriageway by a deep grass verge. The buildings on the street are varied in design and scale, and include detached, semi-detached, single and two-storey properties, with varying roof forms. A number appeared to have been altered or extended. I found the only uniformity along the street to be that dwellings were set back from the road within spacious plots.

5. The appeal site itself is a large plot that contains a two-storey detached dwelling which does not appear to be of the same design as any of the surrounding properties.

6. The proposed extensions would substantially alter the size and appearance of the host dwelling and the increase in size and height would increase the property's visual presence in the street scene. However, the design proposed would not be out of keeping with the locality. Indeed, I observed similar design features nearby including opposite the appeal site where the dwelling extends over a large part of the width of the plot and has a two-storey feature porch on the front. Moreover, the staggered building line along the road would be retained, gaps between the extended dwelling and the side boundaries would reflect nearby development and a stepped ridge height between the extended dwelling and neighbouring bungalow would be provided.

7. In light of the above, I conclude that the proposed extensions to the host dwelling would reflect the mixed architectural character of this residential area and would preserve its character and appearance. The proposal accords with Policy SDC1 of the Rugby Borough Council Local Plan 2011-2031 (LP) which, amongst other matters, requires high quality design that responds to the overall quality and character of the area in which it is situated. It would also comply with Paragraph 127 of the National Planning Policy Framework (Framework), which requires development, amongst other things, to be visually attractive and sympathetic to local character.

Other Matters

8. The proposal before me is for the extension of an existing residential dwelling and there is no evidence to suggest the resultant property would be used as a House in Multiple Occupation (HMO) as suggested. This matter is not determinative in this case.

9. I note the concerns of the neighbouring occupiers at No 233 Rugby Road regarding a loss of light and privacy to their property as a result of the proposed development. However, given the relationship between the two properties and the location of the existing windows at No 233, I find that there would be no unacceptable loss of light to the neighbouring property. Moreover, although there would be a number of new windows on both sides of the host dwelling, a suitable condition could be attached to prevent any unacceptable loss of privacy to either neighbouring property. It is noteworthy that the Council did not include the effect of the proposal on nearby occupiers in its refusal reasons.

10. Although there would be an increase in the number of bedrooms provided in the host dwelling, there is a large area to the front of the property which would eb retained for such purposes. Accordingly, there would be no conflict with Policy D2 of the LP in this regard.

Conditions

11. The Council has suggested conditions it would wish to see imposed in the event that the appeal was allowed. I have considered the suggested conditions against the advice on conditions set out in the Framework and the Planning Practice Guidance. I have amended some of the suggested wording to reflect this advice.

12. I find that to ensure clarity, a condition is necessary requiring that the development is carried out in accordance with the approved plans. Due to its legibility from the road and to protect the character and appearance of the area, a condition is necessary requiring external materials to be approved by the local planning authority prior to their use. Moreover, to ensure the privacy of neighbouring occupiers I find it necessary for a condition controlling the glazing and opening of first-floor side windows to be imposed.

13. However, it would not be necessary for a condition to be attached restricting the future installation of any new first-floor side windows, as planning permission would be required for them unless they complied with the permitted development rights of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Moreover, no substantive evidence has been submitted to demonstrate that the development would be so significant as to adversely affect air quality. Given the limited scale of the development, and lack of evidence to the contrary, I find requiring mitigation works would be unreasonable.

Recommendation

14. For the reasons given above I recommend that the appeal should be allowed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that the appeal should be allowed with the suggested conditions.

R C Kirby

INSPECTOR