



Appeal Decision

Site visit made on 28 September 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/U4610/D/21/3273275

140 St. Martin's Road, Coventry CV3 6ER

- 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 Harry Gould against the decision of Coventry City Council.
 - The application Ref HH/2020/1922, dated 16 September 2020, was refused by notice dated 22 January 2021.
 - The development proposed is a side two storey extension and single storey garage.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The decision notice issued by the Council referred to the policies of the Coventry Local Plan 2016 ("the CLP"), although it was clear from the title page of the plan provided to me that it was adopted in December 2017. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed extension on living conditions for neighbouring occupiers, with particular regard to overshadowing, and whether or not it would be overbearing.

Reasons

4. No 140 St. Martin's Road is a detached house, on a triangular plot where the land falls across the site from north to south. The appeal site is relatively small by the standards of the surrounding area, and tightly constrained by neighbouring houses on Green Lane to the south and west.
5. The proposal is the erection of a two-storey side extension and a garage with pitched roof, to replace the existing flat roofed garage and car port on the south side of the dwelling. While the existing house and garage has an L-shaped footprint, the extension would be built to infill the south west corner.
6. The proposed extension would be two storeys high and at its closest only around 0.8m (by the Council's calculation, although this has not been disputed by the appellant) from the appeal site's boundary with the rear garden of 469 Green Lane. The appellant states that the extension would be around 17.5m from the "nearest property which could be affected" – in other words, No 469. The Council's 2003 "Extending your home – a design guide" Supplementary

Planning Guidance ("the SPG") does not prescribe a minimum separation distance for situations where properties have an angled relationship such as in this case. However, it advises that in any event proposals for two-storey rear extensions should respect neighbouring properties.

7. Because of the very close proximity of the extension to the rear appeal site boundary, it would be a dominant feature when seen from the rear garden of No 469. Because of the limited separation distance in combination with the elevated position of the extension relative to the neighbouring properties to the south west, it would also be intrusive when seen from rooms within the rear of No 469. I therefore consider that the proposed extension would be overbearing and thus harmful to living conditions for the occupiers of No 469 Green Lane.
8. The angled relationship between properties on St. Martins Road and Green Lane means that the extension would not be overbearing for occupiers of other properties on Green Lane. I am also satisfied that, because of the combination of separation distances and the siting of the extension to the north and east of neighbouring properties on Green Lane, any loss of daylight or sunlight which would arise would be very limited, and there would be no harmful overshadowing as a consequence. However, a lack of harm in these respects does not outweigh the other harm to living conditions which I have found.
9. The appellant has drawn my attention to other extensions nearby, suggesting that the majority of properties along St. Martin's Road have similar side extensions. I saw on my site visit that this certainly appeared to be the case for the stretch of the road between Nos 126 and 140 closest to, and including, the appeal site. Many of the properties on this part of the road have two storey side extensions built very close to those of one or both neighbours. However, a close side to side relationship is not the same as a close rear to rear relationship such as would arise with this proposal. None of the other properties that I saw nearby appeared to be on a similarly constrained triangular site which might have given rise to the same issues as in this appeal. These other extensions do not therefore appear to be comparable to the proposal before me, and so do not carry weight in its favour.
10. I therefore conclude that the proposed development conflicts with Policies DE1 and H5 of the CLP which, while supportive of improvements to existing housing nonetheless require all development proposals to be well-designed. It would also, to the extent that it is material, conflict with advice in the SPD which seeks to protect neighbours' living conditions. The proposal would also conflict with national planning policy set out in paragraph 130 of the National Planning Policy Framework ("the Framework"), which seek to ensure that development creates places with a high standard of amenity for existing and future users.

Other matters

11. The appeal site is a detached dwelling in an established residential area, and the Council considered the principle of development to be acceptable. I see no reason to take a different view, but this does not outweigh the harm I have found.
12. The appellant's statement included concerns about the Council's decision making in respect of the planning application. These are not directly related to the planning merits of the proposal, and have had no bearing on my determination of the appeal.

Conclusion

13. The extension would be harmful to neighbours' living conditions, and the proposal therefore conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan.
14. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector