

Appeal Decision

Site Visit made on 9 November 2021 by G Sibley MPLAN MRTPI

Decision by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/U4610/D/21/3278124

49 Cowley Road, Coventry CV2 5GA

- 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 and Mrs Holden against the decision of Coventry City Council.
 - The application Ref HH/2021/0825, dated 16 March 2021, was refused by notice dated 19 May 2021.
 - The development proposed is single storey rear extension and alterations.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and alterations at 49 Cowley Road, Coventry CV2 5GA in accordance with the terms of the application, Ref HH/2021/0825, dated 16 March 2021, subject to the following 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: Location Plan – Drawing No BW1-00946578; Site/Block Plan – Drawing No 9169-03; and Existing and Proposed Plans and Elevations – Drawing No 9169-01.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing building.

Appeal Procedure

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

Preliminary Matter

3. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The effect of the proposed extension upon the living conditions of the occupants of No.51 Cowley Road (No.51), with particular regard to outlook.

Reasons for the Recommendation

5. The appeal site relates to a semi-detached property and features an existing conservatory and extension to the rear. The proposed extension would replace the conservatory and join on to the extension. Although, the proposed extension would have a greater depth and height than the conservatory, it would have a mono pitched roof that would reduce in height away from the rear of the property.
6. The adjoining property is No.51 and has large, glazed patio doors that would be close to the flank wall of the proposed extension. These patio doors open into the living room which extends the full depth of the house and is also served by three separate windows. Additionally, the rear of the house has a raised patio area and opens out onto a relatively large garden, and the outlook is open and unenclosed by development.
7. The Extending Your Home Supplementary Planning Guidance, 2003 (SPG) advises that a single storey rear extension should not exceed either 3.3 metres (m) (when measured externally) or impinge on an imaginary 45-degree sightline from the middle of the nearest window to a habitable room on your neighbours' property, whichever gives the greater depth. The flank wall of the proposed extension would be built close to the glazed patio doors at No.51 which serve a habitable room. Furthermore, the extension would be approximately 3.5m deep and these factors would result in the proposal breaching the 45-degree rule. However, the SPG states that each site is unique, and proposals will be determined on their own individual merits.
8. No.51 is a relatively wide dwelling with a deep garden and as a result the proposed extension would only extend a relatively short distance along the shared boundary. As a result, the single storey extension would not appear as an oppressive feature when viewed from the rear of No.51 and the outlook over the long and open garden to the rear would be largely unaffected by the proposal given its comparatively limited depth. Additionally, the patio doors serve the living room and there are two additional windows that would be unaffected by the proposal. Subsequently, the outlook from this room would not be significantly diminished.
9. Accordingly, the proposed extension would not appear overbearing or significantly adversely affect the outlook from the rear of No.51. Moreover, given the height of the rear patio area and the scale of the proposed extension, it would not appear overbearing when viewed from the rear patio area. Consequently, the sites unique characteristics merit the minor discordance with the SPG, in this instance.
10. Therefore, I conclude that the proposed extension would not cause harm to the living conditions of the occupiers of No.51, with particular regard to outlook. As a result, the proposal would comply with Policy DE1 of the Coventry City Council Local Plan (adopted 2017) which expects development proposals to respond to the physical context of the site.

Conditions

11. In addition to the statutory commencement condition, in the interests of certainty it is necessary to ensure that the development is completed in accordance with the approved plans. It would also be necessary to ensure the materials used match those used on the existing dwelling in the interest of the character and appearance of the dwelling and the wider area.

Conclusion and Recommendation

12. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above, the proposal complies with the development plan as a whole and, having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree and shall allow the appeal.

KA Taylor

INSPECTOR