
Appeal Decision

Site visit made on 20 February 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17TH March 2022

Appeal Ref: APP/U4610/D/22/3290429

111 Unicorn Avenue, Coventry, CV5 7GS

- 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 S Faber against the decision of Coventry City Council.
 - The application Ref HH/2021/1053, dated 12 March 2021, was refused by notice dated 1 December 2021.
 - The development proposed is a two storey side extension with garage being converted into a habitable room.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with garage being converted into a habitable room at 111 Unicorn Avenue, Coventry, CV5 7GS in accordance with the terms of the application, Ref HH/2021/1053, dated 12 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: Drawing Nos. 0354_01_002 and 0354_01_004.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No first floor windows shall be inserted into the side elevation of the extension hereby approved.

Main Issue

2. The main issue is the effect of the development on the living conditions of occupiers of 115 Unicorn Avenue with particular regard to loss of light, overshadowing and visual intrusion.

Reasons

3. 111 Unicorn Avenue is a semi-detached house with existing single storey extensions to its side and rear. 115 Unicorn Avenue is located to the west of the appeal property and comprises a detached house with single and two-storey extensions. No. 115 is sited at an oblique angle to the appeal property, with its rear elevation and rear garden facing south east.

4. The proposed two storey side extension would be off set from the shared boundary with No. 115. It would not project beyond the front or rear elevation of the original host dwelling and would be no higher.
5. It is evident from the plans and photographs submitted with the appeal that the nearest part of No. 115 to the appeal site is a single storey garage. The two-storey side extension to No.115 has a single small kitchen window to the rear. There is an additional kitchen window to the front of the house. Also to the rear of No. 115 there is a first floor bathroom window, a first floor bedroom window and a large conservatory that is fully glazed on 2 external sides and has a glazed roof. The bathroom is a non-habitable room. The bedroom and conservatory are located at the southern end of No.115 where the gap between the properties is at its greatest. They would not directly face the proposed two-storey extension and consequently there would be no significant harm or visual intrusion to their outlook.
6. Due to the orientation of the properties any loss of light or overshadowing to No. 115 would be minimal, would be to northern part of the plot and would only occur first thing in the morning.
7. I therefore find no conflict with policies DE1 or H5 of the Coventry City Council Local Plan (2017), neither of which appear to be particularly relevant to householder extensions or their effect upon the living conditions of adjacent residents. I also find no conflict with the National Planning Policy Framework.
8. The supplementary Planning Guidance (SPG) I have been referred to was adopted in 2003, in support of a 2001 Development Plan. It is guidance not policy and appears to be unrelated to the current Development Plan policies quoted in the LPA's report or decision notice. Moreover, the guidance stresses that each site is unique and that proposals will be determined on their own individual merits.

Conditions

9. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition relating to matching materials is necessary to ensure that the appearance of the new development would be satisfactory. A condition to prevent the installation of any first floor windows in the side elevation of the dwelling is necessary to avoid any overlooking and loss of privacy to residents of 115 Unicorn Avenue.

Conclusion

10. For the reasons given above the appeal is allowed.

Rachael Bartlett

INSPECTOR