
Appeal Decision

Site visit made on 24 January 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2023

Appeal Ref: APP/U4610/D/22/3307148
127 Humber Avenue, Coventry CV1 2AU

- 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 Alain Cohen against the decision of Coventry City Council.
 - The application Ref HH/2022/0896, dated 7 April 2022, was refused by notice dated 28 June 2022.
 - The development is single storey rear extensions, loft conversion and alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council Officer's report describes the development as retrospective. It is clear from the evidence provided and my site visit that the single storey rear extensions, loft conversion and alterations with a rear roof dormer extension have been constructed. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on:
 - (i) the character and appearance of the host property and the area;
 - (ii) the living conditions of the occupiers of the neighbouring property at No. 125 Humber Avenue with particular regard to light, overshadowing and outlook; and
 - (iii) the living conditions of the existing and future occupiers of the appeal property with particular regard to private outdoor amenity space.

Reasons

Character and appearance

4. The appeal property consists of a two storey extended mid terrace dwelling. It is located in a mature well-established residential area within a row of terraced properties that are of comparable scale and form, with two storey rear outriggers and traditional gabled pitched roofs.
5. The development involves the retention of the single storey rear extensions and loft conversion with a flat roof rear dormer extension that wraps around the roof of the main house over the rear two storey outrigger projection. The

- dormer extension is built up to the shared party wall with the adjoining property and the rear building line of the main property. It is set in from the eaves of the roof and stepped down below the ridge line of the host property.
6. The Council's Supplementary Planning Guidance Document: Extending your Home - a Design Guide 2003 (SPD) states that roof extensions should be sympathetic and complementary to their surroundings having regard to the local distinctive character of the area, which is broadly in line with the design aims of the National Planning Policy Framework.
 7. Although the rear dormer is set in and stepped down, the scale and form of the roof extension nevertheless still results in a significant addition relative to the main house. As such, the rear dormer extension results in substantial bulk being added to the roof plane with only very narrow peripheral parts of the sloping roof being evident. The awkward design and appearance of the dormer extension is very much at odds with the more traditional gabled pitched roof and outrigger over the original dwelling and the surrounding terrace properties.
 8. The consequential harm is not in my view sufficiently resolved by the limited effect of the rear dormer extension on the street scene. In any case, the dormer extension is visible at the rear from the surrounding properties. I therefore consider that the rear dormer, by virtue of its scale, siting and design, fails to achieve an appropriate degree of subordination to the host property and detracts from the architectural integrity of the host property. As such, I consider that the rear dormer extension results in an incongruous and out-of-keeping addition that causes unacceptable harm to the character and appearance of the host property and the area.
 9. I have considered the appellant's arguments regarding the design and layout of the dormer roof extension and that the proposal has been carefully considered in order to take into account the character of the host property and the other roof extensions in the area. Whilst the use of matching materials and fenestrations assists in integrating the extension with the host property, these aspects again do not overcome the adverse effects outlined above.
 10. I have noted the other developments in the area drawn to my attention by the appellant. However, the rear dormer and loft conversion at the adjoining property at No. 129 Humber Avenue has different development characteristics to the appeal scheme and based on the evidence before me, does not benefit from planning permission. The various roof alterations and extensions to the properties in the surrounding area relate to a different scale and form of development and have different locational characteristics. In any event, each proposal falls to be assessed primarily on its own merits and I am unaware of the full circumstances associated with these other cases. I therefore accord them limited weight as precedents in this case.
 11. I have considered the appellant's arguments regarding the type of roof extensions and loft conversions that can be built on a dwellinghouse under General Permitted Development Rights. Whilst this may be so, this does not set a precedent for such an inappropriate development in this location for the reasons set out above.
 12. Consequently, I conclude that the rear dormer extension has a harmful effect on the character and appearance of the area and conflicts with Policies DE1 and H5 of the Coventry Local Plan 2016 and the Council's SPD. These policies and

guidance, amongst other things, seek to ensure that new development proposals and extensions to residential properties demonstrate a high quality design that respects and enhances the surrounding residential environment and positively contribute towards the local identity and character of an area.

Living conditions of the occupiers of the neighbouring property

13. The single storey rear extension extends out just over 6.0m from the original rear wall of the outrigger on the host property with a flat roof measuring about 2.7m in height. I observed on my site visit that a number of the nearby dwellings have single storey rear extensions of varying styles and designs that generally appear as clearly subordinate to the dwellings.
14. The single storey rear extension is located adjacent to the two storey terraced properties at Nos. 125 and 129 Humber Avenue (Nos. 125 and 129), to the east and west of the site, respectively. The adjoining unextended property at No. 125 has a ground floor kitchen, with a small window and door, leading out to a patio area and enclosed garden area at the rear. The adjoining property at No. 129 has a single storey rear extension of a similar design to the appeal scheme granted under prior approval in 2021 (Ref: PA/2021/3253).
15. The single storey rear extension projects out along the common shared boundary with No. 125 and is separated from the kitchen and garden at the rear of the adjacent property by a high close boarded fence running between the properties.
16. The appeal site has an extensive planning history relating to proposals to extend the property, including a prior approval refused for the single storey rear extensions in 2021 (Ref: PA/2020/3008). Although minor, the Council determined that the projection would be more than 6m and as such, would not constitute permitted development.
17. The appellant states that a 6m single storey rear extension could be built on a dwellinghouse under General Permitted Development Rights. Based on the evidence before me and my observations during my site visit, there is a real prospect that such a single storey rear extension could be rebuilt if this appeal is dismissed. I judge that this fall-back development would have a similar impact on the living conditions of the occupiers of the neighbouring property at No. 125 to the appeal scheme and as such is a material consideration to which I attach significant weight.
18. Whilst I accept that there is some impact from the development, given the modest overall scale, design and layout of the development, together with the boundary treatment, the separation distance between the properties and the orientation of the buildings, I consider that the single storey rear extension does not result in significant loss of light and overshadowing to the main habitable room and garden at the rear of No. 125, nor significantly dominate the views to cause an overbearing effect and an unacceptable sense of enclosure at the rear of No. 125. The outlook at the rear of No. 125 is already toward the boundary fence along the shared boundary between the properties and is separated by the garden area at the rear of No. 125.
19. Consequently, having regard to the above matters, including the fall-back position in this particular case, I conclude that the single storey rear extension does not result in an unacceptable impact on the living conditions of the

occupiers of the neighbouring property at No. 125 Humber Avenue with particular regard to light, overshadowing and outlook. It is consistent with Policy DE1 of the Coventry Local Plan 2016 and the Council's SPD which seek, amongst other things, to ensure that development, including extensions, create high quality design that respect and enhance their surroundings, including the residential environment of neighbouring properties.

Private outdoor amenity space

20. The appeal property is provided with a small enclosed garden area, measuring about 20 sqm, at the rear of the site. The Council's SPD states that any extension into the private rear garden area should not unduly restrict the use of the rear garden for amenity purposes such as toddlers' play, clothes drying and sitting out, particularly where properties have existing small rear amenity areas. Normally a minimum of 30 sqm of rear garden should be retained.
21. The garden area is relatively level and receives a reasonable amount of light and privacy. It provides the occupiers with a usable garden space of sufficient quality and size to carry out leisure and household activities, including clothes drying and sitting out particularly during the summer months. I judge that the single storey rear extension that could be rebuilt as a fall-back development would have a similar impact on the amount of private outdoor open space provided with the appeal scheme. I therefore consider that the development provides adequate private outdoor amenity space and result in a satisfactory living environment for the occupiers in this particular case.
22. Consequently, having regard to the above matters, including the fall-back position in this particular case, I conclude that the development does not result in an unacceptable impact on the living conditions of the existing and future occupiers of the appeal property with particular regard to private outdoor amenity space. It is consistent with Policy DE1 of the Coventry Local Plan 2016 and the Council's SPD which seek, amongst other things, to ensure that all development including extensions are of a high quality design with good quality and usable private outdoor amenity space for the enjoyment of the occupiers.

Other Matters

23. I note the appellant's comments regarding the lack of formal objections from the local neighbours to the appeal scheme. Whilst this maybe so, this does not preclude the proper planning assessment of the impact of the development on the host property and the area and is not a determinative factor on its own.

Conclusion

24. Notwithstanding my findings on the lack of significant harm to the living conditions of the existing and future occupiers of the appeal property and the occupiers of the neighbouring property, this is significantly outweighed by the harm I have identified to the character and appearance of the host property and the area. The development conflicts with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR