



Appeal Decision

Site visit made on 3 April 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/U4610/D/23/3315994

15 Merynton Avenue, Coventry CV4 7BL

- 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 Raj Maher against the decision of Coventry City Council.
 - The application Ref HH/2022/2530, dated 15 September 2022, was refused by notice dated 16 November 2022.
 - The development proposed is a two-storey front, rear, side and single storey rear extension, dormer and garden outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development is usually taken from the application form. However, the plans indicate that the reference to a loft in the description of development includes the insertion of a dormer at the rear. The plans also show a new garden outbuilding. The appeal form reflects the description on the Council's decision notice, confirming the appellant's agreement to the change. The Council dealt with the appeal on this basis, and I shall proceed on the basis of the corrected description, as set out in the banner heading above.
3. From the evidence before me there is no dispute between the parties as to the acceptability of the two-storey front, rear and side extension; the single storey rear extension; or the new garden building. Furthermore, from the evidence submitted, and from my site visit, the proposed development has commenced. I shall therefore confine my detailed considerations to the proposed dormer at the rear and I have dealt with the appeal on a retrospective basis.

Main Issues

4. The main issues are the effect of the proposed dormer on the character and appearance of the existing property and the surrounding area; and the effect of the proposed development on the living conditions of the occupants of immediate neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property is one of a pair of semi-detached dwellings within an estate of similar houses, interspersed with some bungalows. The design and scale of the pairs, with predominately hipped roofs, provides a pleasant

character to the area which is enhanced by the set back from the road and the grass verges and roadside trees.

6. The proposed rear dormer is flat roofed and ties into the hipped roof of the two-storey extension to the side of the dwelling. It is set back from the eaves of the house. However, the dormer fills approximately the full width of the extended dwelling, linking into the two-storey side extension and is the same height as the original ridge height.
7. The Coventry City Council Extending Your Home Supplementary Planning Guidance, 2003 (SPG) advises that dormers should be set at least 1m from the eaves and a minimum of 700mm from the sides of the property. From the evidence before me, the appeal scheme does not meet these standards, which are provided to ensure the scale and mass of the dormer is in proportion with the existing house. The appeal dormer, by not meeting these standards, is out of proportion with the host dwelling.
8. The two-storey side extension has a hipped roof to ensure it is balanced with its adjoining neighbour. However, the dormer projects from the hipped roof and as such the flat roof and rear elevation of the dormer is visible from Merynton Avenue. It is also clearly visible from a number of neighbouring properties. Although the dormer is to the rear and despite the use of appropriate materials, it is visually incongruous due to its scale and mass.
9. For these reasons I find that the scale and mass of the rear dormer has an adverse effect on the character and appearance of the existing property and the surrounding area. It therefore fails to comply with the requirements of Policy DE1 of the Coventry City Council Local Plan, 2017 (LP), which, amongst other matters, requires development to respect and enhance their surroundings. Moreover, the development does not comply with the guidance in the SPG in terms of its scale, mass and proportion.

Living conditions

10. The immediate neighbours either side are 13 and 17 Merynton Avenue (Nos.13 and 17). To the rear is 38a Tutbury Avenue (No.38a), which backs onto the garden of the appeal property. The dormer can be seen from at least these three neighbouring properties.
11. The dormer does not project above the roofline or beyond the rear elevation of the existing dwelling. It does not, therefore, reduce the view currently available from neighbouring properties. Moreover, although the dormer may increase the perception of loss of privacy to neighbouring properties there is sufficient separation distance between habitable room windows. Furthermore, the windows in the dormer are no closer than the existing first floor windows in the appeal property.
12. However, the scale and mass of the dormer results in the appearance of a three-storey building for approximately the full width and height of the roof slope. It, therefore, appears top-heavy and visually dominant as viewed from neighbouring properties. Although there is not an unacceptable effect on privacy or reduction of view, the scale and mass of the dormer does not respect, nor enhanced its surroundings. This has resulted in an adverse impact to the outlook from the neighbouring properties.

13. For the reasons given above the dormer has an adverse effect on the living conditions of the neighbouring properties, specifically Nos.13 and 17 and No.38a, in terms of outlook. The dormer is contrary to the requirements of DE1 of the LP which, amongst other matters, aims for development to respect and enhance the surroundings.

Other Matters

14. The appellant has sought to argue that the dormer could be erected as permitted development and that the changes to the GDPO¹ allows for larger dormers than the SPG. However, whether the dormer would be permitted development is not before me and would need to be considered separately by the Council. Moreover, permitted development alterations do not need to comply with adopted policy and may include alterations which Councils would not support through the planning application process. Furthermore, permitted development alterations do not set a precedent for consideration of proposals which require assessment against policy.
15. The appellant has also drawn my attention to several other extensions and dormers on properties in the surrounding area and I viewed all the addresses referred to. The two storey side extensions and hip to gable conversions are not the same form of development as what is before me. Some of the rear dormers referred to are visible from the surrounding roads and the dormer at 5 Merynton Avenue is on the front elevation. However, I do not have the precise details of each of these cases and I cannot be certain why any of them were approved in the form they were; or whether they were constructed under permitted development. The other extensions, including the dormers, therefore, do not set a precedent to justify allowing the appeal proposal.

Conclusion

16. For the reasons given above I have found that the dormer is contrary to the development plan, as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR

¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)