



Appeal Decision

Site visit made on 4 April 2023

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/U4610/C/22/3299709

19 Rydal Close, Allesley, Coventry CV5 9DW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended. The appeal is made by Mr Alan Pittaway against an enforcement notice issued by Coventry City Council.
- The notice, numbered AA/2020/00700, was issued on 29 April 2022.
- The breach of planning control as alleged in the notice is: Without planning permission, the erection on the Land of a detached garage / outbuilding within the side (southwestern facing) garden in the approximate position shown in blue on the plan marked 'Plan B' annexed to this Notice; together with associated raised ground levels in the approximate position shown hatched green on the plan marked 'Plan B' annexed to this Notice and retaining structures / boundary fencing to the southwestern facing and southeastern facing boundaries in the approximate position shown in yellow on the plan marked 'Plan B' annexed to this Notice.
- The requirements of the notice are to: (a) Permanently demolish in its entirety the unauthorised garage / outbuilding; and (b) Permanently demolish in their entirety the unauthorised retaining structures and boundary fencing (including any associated mounting posts or similar structures); and (c) Permanently remove from the Land all imported spoil, hardcore, aggregates, topsoil and other similar imported material and reinstate land levels similar to those which existed on site previously; and (d) Permanently remove from the land all building materials and waste arising from compliance with these requirements.
- The period for compliance with the requirements is: 5 (five) months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the Act, for the development already carried out, namely the erection of a detached garage/outbuilding within the side garden, together with associated raised ground levels (hatched green) and retaining structures/boundary fencing to the southwestern facing and southeastern facing boundaries on Land at 19 Rydal Close, Allesley, Coventry CV5 9DW, as shown on the plan attached to the notice.

Ground (a) and deemed planning application

Main Issues

2. These are the effect of the development on the character and appearance of the area and the living conditions of the residents of neighbouring properties on Ripon Close.

Reasons

Character and appearance

3. The appeal relates to a semi-detached bungalow in a residential area. The property frontage faces open countryside to the northwest. To the northeast and southwest are residential properties and immediately to the southeast is a narrow vehicular way that provides access to private garages and gardens which line the road. The properties which surround the appeal site are two storey houses and the character of the area is medium density suburban. The appeal site and surrounding land slope gently downwards from Rydal Road to the north to Ripon Close to the south.
4. The bungalow has been extended to the side where there was previously a flat roof detached garage which was set back to the side and rear of the property. A new flat roof garage has been constructed set back from the front of the bungalow, but closer to the southwest boundary with approximately 1m between it and the fence. The garage is clad with horizontal timber boarding. The blank side elevation, which faces the dwellings on Ripon Close, is coloured green with artificial greenery attached. The remaining wood cladding is naturally light in colour. Close boarded fencing surrounds the appeal site on three sides and sections on its southeast and southwest boundary are subject to the notice.
5. Land levels within the southern section of the site have been raised. This is evident from the road to the rear of the appeal site, where horizontal boarding below the vertical close boarded fencing provides a staggered retaining structure, and from some of the neighbouring gardens on Ripon Close. It is also apparent due to the garage which sits in a slightly elevated position. While the appeal development is apparent, its immediate setting is characterised by an assortment of garage structures of various designs, materials and colours and there is an array of timber fencing bordering the staggered gardens of houses which line the road on each side.
6. In contrast to the cohesive frontages of the properties in the area, the access road displays a fragmented mixture of built development. The appeal property sits amongst this melee and in this context, the fence melds in with the existing boundary treatments being of a similar height and style. While there are public views of part of the garage, these are limited. Both the fencing and the garage are similar in design and materials to others in the vicinity and their presence does not detract from the surroundings or the character and appearance of the area.
7. The front of the appeal property is approached via a private road from Rydal Close which serves the pair of semi-detached bungalows. The section of the fence subject to the notice is visible when approaching the bungalow and from the open land to the side. It is of an appropriate design and scale for its setting, reflecting the context of the area. The garage to the side of the

bungalow is a subservient addition of appropriate design set on a slightly lower ground level. It has a flat roof, which is not dissimilar to some roof forms in the locality, including the recent extension to the host dwelling.

8. Overall, I find the material, design and scale of both the garage and surrounding fencing to be characteristic of the locality and to be visually appropriate to the appearance of the area. In this respect, I find no conflict with Policy DE1 of the Coventry Local Plan 2016 (the LP) which requires development to respect and enhance their surroundings and positively contribute towards the local identity and character of an area.
9. The Council refers to Policy H5 of the Coventry Local Plan 2016, while this policy seeks to support the renovation and improvement of existing housing stock, its direct relevance in this appeal is limited. Furthermore, as the appeal site is not within the Green Belt, no policy guidance is provided by Policy GB1 in relation to this appeal.

Living conditions

10. The properties adjoining the site on Ripon Close are at a lower level due to the gentle incline of the land from south to north. Subsequently, the fence which forms a boundary between the appeal site and Nos 10, 12 and 14 Ripon Close is at a higher level. Furthermore, the garage sits beyond the fence alongside the rear boundary with No 12 Ripon Close. This too is at a higher level than the adjoining gardens.
11. While not forming part of its reason for issuing the notice, as part of its appeal submissions, the Council provided its 'Extending your home - a design guide (adopted April 2003)'. This document is explanatory Supplementary Planning Guidance (SPG) to the Development Plan. Although not specifically relating to domestic garages, it advises on a similar scenario where the side of the house is situated near to the rear or side garden of neighbouring properties. In these circumstances, it provides that a minimum distance of 12m should normally be maintained between the side elevation of the 'extended' property and the rear elevation of the neighbour's properties. This is to reduce the visual impact of extensions on the amenities of neighbouring properties. It is suggested that this separation distance may need to be increased if the ground level of the site is elevated above the neighbour's property. However, I note there is no height restriction to the 'extended' property.
12. The appellant's submissions state that there is a distance of some 17m between the garage and No 12 Ripon Close. While this figure has not been verified, I viewed the development from No 12 Ripon Close from within the rear garden and the house. The house benefits from a conservatory to the rear and this naturally reduces the length of the rear garden. The outdoor space, like most of the houses within the locality, is limited and in this particular case, is on two levels due to the natural slope of the land. The garden is surrounded by a high-level fence on three sides and there is a small brick-built outbuilding to one side. At the northeast end of the garden the fence is partially screened with tall natural bamboo planted in a raised bed on one side and there is a pergola with a Perspex roof to the other side. The upper section of the garage, which is painted green and covered with faux vegetation, is visible from the garden and conservatory, although the bamboo and pergola do provide a degree of screening. The garage is also visible from a first-floor bedroom to the

rear of the property. These views are against a backdrop of further built development along with wider reaching open views.

13. From what I observed at my visit, the location, size, design and orientation of the garage and fence are not significantly harmful to the living conditions of the occupiers of neighbouring properties in terms of outlook and light. This is particularly due to the built-up nature of the area and the different levels and heights of corresponding development. Although the land within the appeal site has been raised and as a consequence the garage and fence are at a higher level, the distance between the appeal development and the properties in Ripon Close is deemed to be sufficient so as not to be overly oppressive to the occupiers of those properties. This is also in accordance with the guidance as advanced in the Council's SPG. In this respect, the development contributes towards the local identity and character of the area in accordance with Policy DE1 of the LP. As before, Policy H5 of the LP refers to managing existing housing stock and its relevance to the appeal development is limited.

Conditions

14. The Council has not suggested any conditions and as the development is complete, I consider that none are necessary.

Conclusion

15. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice.

SA Hanson

INSPECTOR