



Appeal Decision

Site visit made on 12 July 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal Ref: APP/U4610/W/22/3311446

34-36 Earlsdon Street, Coventry CV5 6EJ

- 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 Ali, Ascot Property Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2022/1683, dated 22 June 2022, was refused by notice dated 31 August 2022.
 - The development proposed is new second storey over existing rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for second storey over existing rear extension at 34-36 Earlsdon Street, Coventry CV5 6EJ in accordance with the terms of the application Ref FUL/2022/1683, dated 31 August 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: Dwg no. 0030-SI-007A, Dwg no.0030-SI-008D and Dwg no. 0030-SP-006.
 - 3) Notwithstanding the notations on the submitted plans and documents, the details of all external facing materials including the glazing for the roof shall be submitted to and agreed in writing with the local planning authority. Thereafter, the external facing materials shall be installed in accordance with the approved details.

Preliminary Matter

2. Since the Council's decision on the application, the appeal site now forms part of the Earlsdon Conservation Area ('CA'). During the appeal process the Council has publicised the application as one likely to affect the character or appearance of a conservation area. The Council has also confirmed that no representations were received as part of that consultation.

Main Issues

3. The main issues are: i) whether or not the proposal would preserve or enhance the character and appearance of the CA and, ii) the effect of the proposal on the amenity of neighbours.

Reasons

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. Paragraph 195 of the National Planning Policy Framework ('the Framework') also requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
5. The CA largely extends over a suburban housing area from the late Victorian / Edwardian period where the original buildings and layout is still largely intact.
6. The CA includes Earlsdon Street which mainly comprises commercial properties arranged in terraces. Some of these properties have been extended to the rear. The appeal property ('34-36 Earlsdon Street') also forms part of a terrace of mainly commercial properties. Based on my observations, the appeal property holds no significant architectural or historic interest and is assessed to make a neutral contribution to the significance of the designated asset.
7. The proposed rear extension would only extend over part of the existing ground floor section to the rear of 34-36 Earlsdon Street. The overall height of this would be lower than the ridge height of the two-storey element of the appeal property, as such this would not be visible in views of the principal façade from along Earlsdon Street. Also, the massing of the proposed extension would be limited through the use of a shallow hipped roof. The roof in part would incorporate glazing which would assist to mitigate its scale and add interest to its otherwise simple form and design.
8. Although the proposed extension would extend beyond a two-storey extension at the adjoining property (38 Earlsdon Street), there are other examples of two storey rear extensions along Earlsdon Street in varied sizes and forms. Furthermore, the individual elevations of the extension would be modest in size and largely viewed in isolation. Therefore, within its context, the scale of the proposed extension would not be unacceptably excessive.
9. Nevertheless, and notwithstanding that some information on facing materials has been provided. In my view, given the simple form of the proposed extension, the key to its appearance and quality would, in part, be due to the quality of the materials and finish. To this end, and given the site's location within the CA, it is necessary that all facing materials are agreed with the local planning authority prior to their installation. This could be addressed by a condition if the appeal were to succeed.
10. For the above reasons, the proposal is of an acceptable design and would not appear unacceptably large and would assimilate with the surrounding development. As such, the proposal would preserve the character and appearance of the CA.
11. Consequently, the proposal would not be contrary to the design aims of Policy DE1 of the Coventry City Council Local Plan, Adopted 6 December 2017 ('LP'), which requires that all development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character

of an area. Furthermore, this Policy seeks to protect the setting, integrity and character of heritage assets.

12. Therefore, the proposal also accords with LP Policy DS3 which reflects the presumption in favour of sustainable development contained in the Framework.

Living conditions

13. Despite its depth, the proposed extension would be recessed relative to the ground floor footprint of the appeal property and would be approximately 11m from its shared rear boundary with properties in Warwick Street.
14. Although the proposed extension would bring built form at first floor level closer to the rear of properties in Warwick Street, the hipped roof form of the extension would slope away from neighbouring properties and associated amenity areas, which would limit its scale and impact.
15. Furthermore, from adjacent properties in Warwick Street, the proposed extension would be viewed in the context of the existing two-storey section of the appeal property and wider terrace. In any event, the rear elevation of the extension would incorporate a combination of brickwork, tile and glazing, making this visually interesting.
16. Whilst the proposed extension would change the outlook from adjacent properties in Warwick Street, for the above reasons, this would not be unduly dominant, oppressive or visually uninteresting.
17. Also, because of its acceptable scale and separation, the proposed extension would not result in any unacceptable loss of daylight to the adjacent properties in Warwick Street.
18. Turning to the adjoining premises along Earlsdon Street, based on the information before me and my visit, the first floors to these properties serve commercial uses and windows associated with these were largely covered.
19. The single storey elements to the rear of the adjoining premises are already in proximity of the built form of the appeal property. As such, the addition of a further storey over part of this would not unacceptably affect the daylight received or outlook from these single storey elements.
20. The rear amenity spaces to the adjoining properties are used in association with their commercial uses and are largely enclosed. Because the proposed extension would only, in part, increase the level of enclosure to these areas, this would not unacceptably undermine the quality or use of these spaces.
21. The Council's submissions also refer to the effect of the proposal on a rear single storey extension at 33 Earlsdon Street. On the information before me, this property is located on the opposite side of Earlsdon Street to the appeal site and therefore would not be impacted by the proposal.
22. For the above reasons, the proposal would not harm the amenity of neighbours. Consequently, I find no conflict with LP Policies DE1 and DS3. Together, these policies seek to secure high quality and sustainable developments.

Other Matters

23. In addition to the above matters, third parties have questioned the use of the proposed extension and the effects of this on the area with regard to noise, traffic, parking and the viability of Earlsdon Street as a commercial area.
24. Based on the description of the proposal as set out above, the scheme before me is not for a material change of use. However, the main parties agree that the appeal property benefits from Use Class E (Commercial, Business and Service). If so, then the proposed extension would also benefit from the same use class. Use Class E includes a broad and diverse range of uses which principally serve the needs of visiting members of the public. Accordingly, the enlargement of the appeal property has the potential to improve its contribution to the viability of Earlsdon Street as a commercial area.
25. As already stated, the proposed extension would be detached from neighbouring buildings and entirely enclosed and is part of a building which has been in commercial use and adjoins commercial uses. Consequently, there is nothing to suggest that the proposal would unacceptably contribute to noise in the area. There is also no strong evidence to suggest that the scale of the proposal would result in an unacceptable level of additional traffic in the area to the detriment of the availability of off-road parking for residents.
26. Concerns about the quality and completion of a separate ground floor extension at the appeal property and matters relating to a shared boundary are outside the scope of this appeal.

Conditions

27. In considering the suggested conditions, I have had regard to the Framework and the Planning Practice Guidance. I have imposed the standard timescale condition for the implementation of the permission and a condition specifying the relevant plans as this provides certainty. Additionally, and for the reasons already given, I have imposed a condition requiring the details of all external facing materials be agreed with the local planning authority prior to installation.

Conclusion

28. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal

INSPECTOR