



Appeal Decision

Site visit made on 16 January 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2024

Appeal Ref: APP/U4610/D/23/3332455

2 Hemingford Road, Coventry, Warwickshire CV2 2RC

- 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 Bittaj Augustine against the decision of Coventry City Council.
 - The application Ref: PL/2023/0001542/HHA, dated 13 July 2023, was refused by notice dated 13 September 2023.
 - The development proposed is described as a single-storey rear addition & front addition.
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Decision

1. The appeal is allowed and planning permission granted for the construction of a single storey rear addition and front addition at 2 Hemingford Road, Coventry, Warwickshire CV2 2RC in accordance with the terms of the application, Ref PL/2023/0001542/HHA, dated 13 July 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans and documents referenced, Site Location Plan; HR/2022/001; HR/2022/002; HR/2022/003; HR/2022/004; HR/2022/005A; HR/2022/006A and HR/2022/007.

Procedural Matters

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided, and from my site visit, that the development has been constructed and is in accordance with the submitted plans. I shall determine the appeal on this basis.
3. The Council has stated in the decision notice and in some parts of its officer's delegated report that the Coventry Local Plan was adopted in 2016, yet the evidence provided, including the front cover of the local plan, shows it was adopted in December 2017. I have had regard to the adopted Coventry Local Plan (2017) (LP) in reaching my decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of No.4 Hemingford Road (No4) with particular regard to overbearing, overshadowing and visual intrusion.

Reasons

5. The site is a two-storey detached dwelling which is located on a corner plot at the junction of Hemingford Road and Wigston Road. The surrounding area is predominantly residential in character, with Hemingford Road comprising closely spaced two-storey detached dwellings. The dwellings have relatively wide rear gardens which provide a sense of openness. The appeal site is set back from its neighbour, No4. As such there is a staggered rear building line between the two properties. A solid close board fence separates the two rear gardens. The rear elevation of No4 contains main windows, the closest opening to the appeal site are sliding patio doors. A conservatory is also located to the rear of No6 Hemingford Road (No6) which is positioned close to the boundary with No4.
6. Both parties have identified that a conservatory was located to the rear of the appeal site. This has been removed in lieu of the appeal development. From the evidence before me the conservatory appears to have been in situ for some considerable length of time. Therefore, notwithstanding whether it was granted planning permission or not, I am of the opinion that it was well established and its existence is a material consideration in the determination of this appeal.
7. The extension is larger than the earlier conservatory and is of a more substantial brick construction. The extension is set in from the shared boundary, albeit it is sited slightly closer to No4 than the conservatory was. Nonetheless, the additional depth, height and width of the extension has only resulted in a modest increase in built form projecting above the shared fence line.
8. The extension is visible from No4 and its solid form does partly erode the outlook from the nearest window. However, the modest height and lean-to roof design, ensures that views over the extension are retained. The limited scale of the extension, along with the width of No4's garden, is such that views across the gardens are maintained, and there is not an unacceptable sense of enclosure created by the additional built form. Consequently, I find that the loss of outlook and degree of overbearing is not significant.
9. I acknowledge that the extension results in a breach of the 45degree standard¹ when measured from the nearest window of No4. I visited the site on a clear day and, at the time of my site visit (approximately 11:30), the sun was low in the sky and the extension partially cast a shadow over the sliding patio door opening. However, the overshadowing to the window created by the extension itself is likely to be only for a limited time. The previous conservatory would also have resulted in a breach of the 45degree standard and would have also resulted in a similar degree of overshadowing. Therefore, the modest increase in scale would have resulted in only a marginal increase in overshadowing than that cast by the previous conservatory and not to any degree to adversely affect living conditions.
10. Therefore, the development does not harm the living conditions of the occupants of No4 with particular regard to overbearing, overshadowing and visual intrusion. The development therefore accords with Policies DE1 of the LP, which expects development, amongst other matters, to respond to the physical

¹ As detailed in the Coventry City Council Householder Design Guide Supplementary Planning Document 2023 (SPD)

context of the site. Whilst the proposal would conflict with the Householder Design Guide SPD (2023) (SPD) I am mindful that this is guidance only, and regard must be had to individual circumstances. In this instance the individual merits of the case indicate that the scheme would be acceptable despite not complying with the guidance in the SPD.

Other Matters

11. The development also includes a single storey front extension to which the Council has raised no concerns. Having assessed this part of the development, which is also in situ, I concur with the Council's conclusions on this matter.

Conditions

12. Because permission is being granted retrospectively it is not necessary to attach the standard time limit condition, or any materials condition. The plans provide an accurate record of what has been built, I shall therefore impose a condition to ensure that the development remains in accordance with these details, for the avoidance of doubt.

Conclusion

13. For the above reasons the appeal is allowed.

D Cleary

INSPECTOR