
Appeal Decision

Site visit made on 20 April 2024

by Elaine Benson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.05.2024

Appeal Ref: APP/U4610/D/24/3339063
71 Styvechale Avenue, Coventry CV5 6DW

- 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 and Mrs Evans against the decision of Coventry City Council.
 - The application Ref PL/2023/0002116/HHA, dated 3 October 2023, was refused by notice dated 22 December 2023.
 - The development proposed is single storey side/rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side/rear extension at 71 Styvechale Avenue, Coventry CV5 6DW in accordance with the terms of the application, Ref PL/2023/0002116/HHA, dated 3 October 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 2/10/23-01.

Main Issue

2. The main issue is the effect of the appeal proposal on the living conditions of the occupiers of No 69 Styvechale Avenue (No 69) by reason of overshadowing and visual intrusion.

Reasons

3. The appeal house has a two-storey rear wing projection, some 7.3m deep, that is set off the boundary with the similar neighbouring property, No 69. The proposed single storey rear/side extension would be 5.44m deep and would run along part of the flank wall of the rear projection. There is extant planning permission for a smaller, 4.45m deep extension in the same location, ref PL/2023/0001661/HHA. In both schemes, the width of the extensions would extend as far as the main flank wall of the host property, retaining the existing gap to the boundary.
4. The Council's Householder Design Guide SPD (the SPD) indicates, among other things, that the depth of a rear extension should not exceed 4m along the

boundary or impinge an imaginary 45-degree line taken from the centre of the neighbour's closest habitable rear facing window, whichever gives the greater depth. The proposed side/rear extension would breach the 45-degree sightline and therefore conflicts with these criteria. However, as indicated, the SPD relates to extensions along the boundary, whereas the appeal proposal would be set well in from the fence line. Furthermore, the SPD allows for the orientation of buildings to be considered.

5. I observed that any overshadowing of the neighbouring property is caused by the existing two-storey rear projection. Due to the orientation of the two houses, the proposed single-storey extension would not worsen the degree of overshadowing. Furthermore, the extension would be constructed against the backdrop of the flank wall of the significantly taller and deeper rear projection. Within this context the visual impact of the proposed extension would not be significant in views from No 69. Moreover, the distance between the extension and No 69, together with the height of the intervening boundary treatment would further reduce any perception of visual intrusion. In any event, the effects of the appeal extension would be little different to those of the extension which already has planning permission.
6. Whilst the appeal proposal may not fully accord with every aspect of the SPD, I conclude that the proposed extension would not result in the degree of harm that the Council have identified. In this appeal, the other material considerations referred to are of greater weight than the conflict with the SPD. Accordingly, the proposal should be determined in accordance with the development plan. I conclude that the proposal complies with the aims of LP Policy DE1 of the Coventry Local Plan 2016 (LP) which, among other things, seeks to ensure that development is of high-quality design. There would be no conflict with the design aims of the National Planning Policy Framework.

Other matters

7. The appeal property stands within the Earlsdon Conservation Area. I agree with the Council that the appeal proposal would have a sympathetic design and would preserve the character, appearance and significance of the Conservation Area. Thus, the character of the heritage asset would be protected in accordance with Policy DE1 and with LP Policy HE2 which specifically relates to the conservation of heritage assets and their significance.

Conclusion

8. For the reasons set out above, and having regard to all other matters raised, the appeal is allowed.

Conditions

9. A condition is necessary requiring the use of matching materials to preserve the character and appearance of the surrounding area. I have included a condition identifying the approved drawings for the avoidance of doubt and in the interests of proper planning.

Elaine Benson

INSPECTOR