



Appeal Decision

Site visit made on 28 June 2024

by S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/U4610/D/24/3340359

30 Dunchurch Highway, Coventry CV5 8AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Graham Pinkney against the decision of Coventry City Council.
 - The application Ref is PL/2023/0002344/HHA.
 - The development proposed is for a front porch and a 2-storey rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a front porch and a 2-storey rear extension at 30, Dunchurch Highway, Coventry, CV5 8AA, in accordance with the terms of the application Ref PL/2023/0002344/HHA, subject to the following condition: -

The development hereby permitted shall be carried out in accordance with the following approved plans: DWGs AO1 (front elevation); AO2 (proposed rear elevation); AO3 (proposed left elevation); AO4 (proposed right elevation); AO5 (roof plan); AO6 (ground floor plan); AO7 (1st floor plan); site plan submitted with the application and location plan submitted with the application.

Procedural Matters

2. The National Planning Policy Framework 2023 (the Framework) was amended on 19 December 2023. The amendments made did not have a material bearing upon the main issue in this appeal, and it was therefore not necessary to seek comments from the main parties upon it. Where I have referred to the Framework, it is that of the December 2023 version.
3. The appeal is made retrospectively for development already constructed.
4. On my site visit, I was able to see the framework of a structure attached to the rear elevation of the appeal proposal which is not shown on the submitted drawings. For the avoidance of doubt, I have determined the appeal based upon the submitted plans.

Main Issue

5. The main issue is the effect of the proposed development upon the living conditions of the occupiers of No. 32 Dunchurch Highway in respect of light and outlook.

Reasons

6. No.30 Dunchurch Highway is an end terrace property located in a residential area with a mix of dwelling types. In 2016, planning permission was granted for a two-storey rear extension, loft conversion and a front porch with a pitched roof¹. However, what has been constructed differs from the approved plans. While these are for a two-storey extension with the ground floor projecting from the host property by 5 metres and with the first floor by 4 metres, what has been constructed is an extension with a length of 4.5 metres and with no set-back at first floor level.
7. The appeal proposal for the porch reflects the earlier planning approval for it and the local planning authority (LPA) has no objection to it. I see no reason to disagree.
8. The terraced row of which the appeal property forms a part is orientated on a north-south axis and with the proposed extension facing east. No. 32 Dunchurch Highway is sited on the north side of the appealed extension. While the appealed extension might be considered to have some adverse effect upon daylighting, the difference with the approved, earlier plans is extremely minor. The ground floor extension has been built 0.5 metres less than the earlier approved plans, while the first-floor projects by an additional 0.5 metres from the line as originally approved. The height would be the same.
9. I also note in this regard that the occupiers of No. 32 Dunchurch Highways have not objected in terms of daylighting. The adjoining property has itself a rear single storey extension.
10. Therefore, for the above reasons, I do not consider that any effects upon daylighting would be significantly adverse to warrant the dismissal of the appeal.
11. For similar reasons, I do not consider the differences from what have previously been regarded as acceptable plans to be so great as to be now unacceptable in terms of the outlook for the occupiers of No. 32 Dunchurch Highway.
12. The LPA, in its officer report, considers that the extension conflicts with its Extending your Home Supplementary Planning Guidance 2003 (SPG) and where an angle is drawn at 45 degrees from the window of the adjoining property. However, the purpose of the '45 degree rule' is to provide guidance so as to protect the living conditions of the occupiers of neighbouring properties, and in this case, I have concluded that there would be no significant harm in terms of light or outlook.
13. Therefore, I conclude that while there is some technical conflict with the SPG in this regard, there is no such conflict with its purpose. The development would accord with paragraph 135 of the Framework which requires development to provide a high standard of amenity for existing and future users. Policy DE1 of the Coventry Local Plan 2016, and as quoted in the decision notice, is not pertinent as it relates to the impact of development upon the character and appearance of areas.

¹ HH/2016/2320

Other Matters

14. The occupiers of the adjoining property object on the basis of the unfinished state of the extension, the omission to restore fencing and to the size of an associated garage. However, these are matters which are not before me for determination. They do not alter or outweigh my conclusion on the main issue.

Conditions

15. I have imposed a condition relating to the approved plans for the avoidance of doubt and in the interests of certainty.

Conclusion

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

S. Hartley

INSPECTOR