



Appeal Decision

Site visit undertaken on 24 June 2024

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 10TH July 2024

Appeal Ref: APP/U4610/D/24/3342978

17 Chelmarsh, Coventry CV6 3LB

- 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 Araz Agha against the decision of Coventry City Council.
 - The application reference is PL/2023/0002583/HHA.
 - The development is described as amendment/retrospect planning for the erection of principal elevation pergola and rear veranda.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made retrospectively, meaning that both the front pergola and rear veranda have already been carried out. On my site visit I noticed that the front pergola was painted white, whereas on the application documents the photos show and Officer Report states that the structure is painted red. It is unclear from the appeal documents which colour is sought to be approved. Despite this, I have made my determination based upon the principle of the development, and any implications that a change in colour of the structure would have.
3. I note that the appellant in their Statement of Case (SoC) makes arguments regarding whether the proposals as part of this application require planning consent. It is not for me under a Section 78 appeal to determine the current correct and legal development of the existing buildings. I have therefore made my decision on this basis of what has been applied for, the existing conditions and to the development plan and relevant material considerations. To that end it is open to the Council to pursue enforcement action, or for the appellant to apply for a determination under sections 191/192 of the Town and Country Planning Act if they believe the lawful development is different. My determination of this appeal under s78 does not affect the issuing of a determination under s191/192 regardless of the outcome of this appeal. I would however note that the Council in their Officer Report state that the appeal dwelling is part of a larger Daimler Green estate where permitted development rights for such structures have been removed.
4. The refusal reason on the Council's Decision Notice refers to Policy H5 of the Coventry Local Plan. I have not been presented with this policy in the appeal documents, and the Council's Officer Report makes no reference to this policy. As such I can only assess the scheme against Policy DE1 of the Local Plan and will proceed with the assessment on this basis.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the host building, including the surrounding locality.

Reasons

6. The appeal property is a mid-terraced property in a group of 6 dwellings (nos 11-21 odd) which were constructed as a single phase as part of the larger Daimler estate which appears to have been developed relatively recently. The estate consists of two and three storey properties, red brick with concrete roof tiles and relatively functional designs typical of modern housing estate developments. The estate has grass verges and open front and rear gardens, with boundary treatment ranging of no boundary, hedging and picket fencing. Grass verges, open front gardens, vegetation and planting within front and rear gardens are some of the positive characteristics that reinforce local character and distinctiveness of the area.
7. The appeal site is part of a group of dwellings that is three storeys tall, with Nos 11 and 21 being the bookends which project forward from 13-19 with gabled projections and canted bay windows. There are smaller gables to the centre of the group of dwellings at nos 15 and 17, with there being smaller canopies over the entrances of nos 13-15 and nos 15-17. Each of the dwellings have a front garden and 11-21 are experienced as a symmetrical group of buildings which exhibit a homogenous design within the street scene. The original form and appearance of the front is evident and continues to the rear of the dwellings where only small alterations in the form of single storey extensions are present on some of the properties. The openness of the front and rear gardens towards the public realm, together with the functional architectural detailing assist in reinforcing positive characteristics of the area.
8. The Coventry City Council Local Plan (LP) Policy DE1 is a design led policy which has a number of design criteria to adhere to such as being high quality, responding to the physical context of the site; seek high quality design and attention to detail, amongst others. The Coventry Householder Design Guide Supplementary Planning Document (SPD) supports this policy and general principles include extensions to houses being able to have a profound effect on the appearance of an area, extensions have the potential to erode gardens and spaces that contribute to the visual amenity of an area, and should relate to the host building in terms of style, form, fenestration and detailing, amongst others.
9. The veranda at the front of the property consists of a timber frame which extends over the entire front garden, and is not a form of development which reflects the existing architectural detailing of the existing building. As the group of terraced properties are experienced together as a homogenous group of buildings, the veranda projects further forward than the bookend dwelling projections of Nos 11 and 21 giving an incongruous appearance that does not reflect the positive qualities of the open front garden areas as described previously. It is also noted in the SPD that extensions that project past the established building line are generally not acceptable, and that front extensions should maintain distinctive features of the front of the dwelling and complement the property. I am not convinced that the framework of the veranda achieves this and is seen as a discordant addition which is more of an add-on, rather than an integrated component of the design of the dwelling.

This applies to the principle of the framework, rather than the colour where any colour of framework would not completely mitigate the impact caused by the framework to a level where it would be acceptable.

10. I appreciate comments as to the motivations of the Appellant in constructing the veranda, which currently is used to grow grape vines which according to the Appellant is used frequently by the surrounding community and provides benefits such as reducing overheating in accordance with building regulations and assisting in contributing to benefits for sustainable development, and wildlife. Whilst this may be the case, I feel that there may be other ways of achieving these benefits which may be more compliant with the policies of the development plan. Whilst there are some benefits from the development as discussed, this is not sufficient to outweigh the harm caused to the character and appearance of the area with the veranda being contrary to LP Policy DE1.
11. Turning to the rear pergola, this is constructed so that it extends from the rear extension of the dwelling. As described by the Appellant, the structure is 'very basic' and consists of 6 timber posts with narrow roof joists and thin polycarbonate. The structure does not have any rainwater goods and a makeshift type appearance.
12. It is quite clear that high quality design is an essential component of character and appearance which is sought to be achieved through the application of planning policy DE1, including the SPD. Whilst there is no definition of what 'high quality' means, materials are an important consideration as to their authenticity, quality, and longevity, amongst other considerations. Whilst I appreciate that polycarbonate is an increasingly utilised material, it is quite a poor quality and a temporary product that does not last the test of time and has a very poor appearance within a relatively short timeframe. Evidence of this can be seen on surrounding properties where polycarbonate has been utilised and the poor and makeshift appearance that this has created.
13. I have been presented with a pergola as advertised at The Range, however this appears to be of metal construction with metal louvres, it is of a much more substantial construction than as erected. I disagree that both are identical, and even if so, would require an assessment against Policy DE1 of the Local Plan. Given the small size of the rear garden, the pergola is overly large, and of a makeshift appearance that does not reinforce the character and appearance of the area and the principles of Policy DE1 of the LP.
14. As such, taking the above into account, and in conclusion of this matter, the extensions as erected would not reinforce the positive qualities of local character or distinctiveness and would be contrary to Policy DE1 of the LP, which is supported by the SPD, as described previously.

Other Matters

15. The Council in their Officer Report make mention that the proposed scheme is contrary to living conditions of neighbouring residents as a result of the rear extension in their opinion being overbearing. The Officer quotes LP Policy DS3, however this policy is not referenced in the reason for refusal, although neighbouring amenity is cited, however it is unclear what the concern is. Policy DE1 does not consider living conditions, and given that the scheme contravenes Policy DE1 of the Local Plan, I have not needed to delve into issues regarding living conditions.

Conclusion

16. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

J Somers

INSPECTOR