



# Appeal Decision

Site visit made on 1 October 2024

**by K Townend BSc MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 October 2024**

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**Appeal Ref: APP/U4610/D/24/3348681**

**127 Westwood Heath Road, Coventry CV4 8GN**

- 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 Mohammad Farooq against the decision of Coventry City Council.
  - The application Ref is PL/2024/0000435/HHA.
  - The development proposed is two storey side and rear extensions.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - The effect of the proposed development on the character and appearance of the area; and
  - Whether the location would be suitable for the proposed development, having regard to the development strategy for the area.

## Reasons

### *Character and appearance*

3. The appeal property is a detached two-storey dwelling with a symmetrical frontage of two-storey bay windows either side of the entrance door and chimneys at each gable end. The existing dwelling has a street frontage and a substantial presence on Westwood Heath Road. The property currently contributes positively to the character and appearance of the area. A driveway to one side leads to a parking and turning area and a double garage behind the dwelling, with accommodation above. The garage and dwelling are linked at ground floor.
4. The appeal property has a large garden to the rear, is sited between the Westwood Heath allotments and an open parcel of land. On the opposite side of the road is a large housing estate. This side of Westwood Heath Road is the edge of Coventry where the housing is more sporadic. However, there are other dwellings and groups of properties on this side of the road and specifically further out, in Warwick District.
5. Policy DE1 of the Coventry City Council Local Plan, adopted December 2017 (the LP) seeks to ensure that all development respects and enhances its surroundings, positively contributes towards character, and responds to the physical context of the site.

6. The Coventry City Council Householder Design Guide Supplementary Planning Document (the SPD) provides further advice to support the policies within the development plan. The SPD is a material consideration to which I have given substantial weight in the determination of the appeal. The SPD advises that extensions would usually be expected to respect the form, scale, architectural style, and materials of the original building. For side extensions the SPD advises that these should normally be subservient with a lower ridge and be proportionate to the existing dwelling. Subservience is defined in the Glossary of the SPD as serving or acting in a subordinate capacity responding to present hierarchy of form or layout.
7. I accept that the proposal would use matching materials and would have a roof pitch and window proportions that complement the existing dwelling. However, the size of the proposed side extension, and that it has been designed to seem as if it were built with the rest of the house, would not be subservient and would unbalance the existing symmetry. Moreover, although the extension to the rear, to link the existing house with the garage, proposes a flat roof link the new extension over the garage would also be to the same height as the existing dwelling and would, therefore, not be subservient to the original dwelling. Overall, even with matching materials, the massing of the proposed extensions would not comply with the advice set out in the SPD and would, therefore, not respect the existing dwelling.
8. The rear extension, in terms of the proposed glazed atrium, would not be highly visible from Westwood Heath Road, however, this is only part of the larger extension and I have no compelling evidence that this glazed link would be built without the other two-storey extensions. The side extension, extending the frontage of the dwelling, would be highly prominent and harmful in the street scene and harmful to local character due to its lack of subservience and unbalancing of the existing symmetry. The rear extension, which would replace the single storey link and extend over the garage, would also be visible from the road due to the low lying nature of the allotments next to the house. The extensions would also be highly visible from the allotments. The proposal would result in a large expanse of brickwork with only two windows in the side elevation. This would increase its prominence and bulk.
9. The SPD does allow for flexibility for side extensions to not be subservient, however this is on occasions where either a more positive design outcome is achieved or where the proposal creates outstanding or innovative designs. The appeal before me would not achieve a more positive design and results in harm to the appearance of the existing dwelling. Neither would it create outstanding or innovative development.
10. The appellant has referred to permitted development and the prior notification process which, they contend, would allow for rear extensions to be built. However, I do not have any details of what could be built under permitted development, or the prior notification process. Nevertheless, I am considering the appeal proposal as a whole, for side and rear extensions.
11. For the above reasons, I find that the appeal proposal would not be a very sympathetic two-storey side and rear extension to the existing dwelling and would have an adverse effect on the character and appearance of the area. The appeal proposal would, therefore, fail to comply with Policy DE1 of the LP which requires all development to respect and enhance its surroundings,

positively contribute towards character, and respond to the physical context of the site.

12. For the same reasons, the proposal would also fail to comply with the advice set out in the SPD and specifically Principle 3 which, amongst other matters, advises that side extensions should normally be subservient with a lower ridge and be proportionate to the existing dwellinghouse.

#### *Development strategy*

13. Both main parties agree that the existing dwelling is not within the Green Belt but is within an area defined in the LP as "safeguarded land." The site forms part of a larger parcel of land which was previously within the Green Belt which, in this area, straddles the boundary with Warwick District. The supporting text of Policy GB2 of the LP advises that the "safeguarded land" designation enables consideration of longer term release to support cross boundary development proposals. If the land was retained as Green Belt it might have become an 'island' surrounded by development. However, the policy also implies that if the development of the adjoining land in the neighbouring authority is not progressed the land would be returned to Green Belt.
14. Nevertheless, as the site is not currently within the Green Belt it would not be appropriate to consider whether the appeal proposal would be inappropriate development in the Green Belt or not against the relevant sections of the National Planning Policy Framework (the Framework).
15. Policy GB2 of the LP seeks to ensure that any development of "safeguarded land" is subject to consideration through a full or partial review of the Local Plan, having explicit regard to development proposals in Warwick District.
16. The current proposal has not been part of a full or partial review of the Local Plan and has not considered Warwick District developments. However, the appeal before me is for extensions to an existing dwelling. The appeal proposal is development, but such form of development which would not prevent the land being brought forward for future development under Policy GB2, following an appropriate review of the LP. There is nothing within the wording of Policy GB2 which would lead me to conclude that the "safeguarded land" designation intends to prevent householder extensions such as that proposed.
17. The aims of Policy GB2, to safeguard the land for longer term possibilities of cross boundary developments, would be maintained. Notwithstanding my conclusion on the character and appearance of the area, in my judgement, extensions to the existing dwelling would not conflict with the aims of Policy GB2.
18. Policy DS2 of the LP seeks to ensure that Coventry City Council collaborates with neighbouring authorities to support the delivery of development needs. It is the policy setting out how the Council will achieve the Duty to Cooperate. The appeal proposal would not provide any additional dwellings. However, as with policy GB2 the proposal would also not prevent the delivery of cross-boundary needs.
19. Although I acknowledge that the appeal proposal is development on "safeguarded land" the principle of extending the existing dwelling would not conflict with the aims of Policy GB2. I, therefore, find no conflict with Policies

GB2 or DS2 of the LP and the principle of extensions to an existing dwelling would be suitable development having regard to the development strategy for the area.

### **Other Matters**

20. The Council has a duty to protect and manage the Green Belt for the purposes as set out in the Framework. The designation of the appeal site as "safeguarded land" or as Green Belt does not set a duty of care for individual properties. The policies are clear that the land is safeguarded for possible future development. However, this would also require the agreement of the property owner, or acquisition by the Council, through appropriate means, at such time that development was to be progressed.
21. The appellant contends that the Council should have sought amendments to the proposal. However, notwithstanding the wording in the decision notice referring to working with applicants, the Council are not duty bound to negotiate during a live planning application. The Council are entitled to determine the application which was submitted to them.
22. The appellant has also drawn my attention to four other developments near the appeal site. The two extensions on Broadwells Crescent<sup>1</sup> are both significantly different in that they are both single storey extensions to the side of two-storey houses and are, therefore, subservient in scale and design. The conversion of the conservatory at 115 Westwood Heath Road<sup>2</sup> is also not comparable to the appeal before me.
23. I have not been provided with the detail of the rear extension at 117 Westwood Heath Road<sup>3</sup> and, therefore, I am not able to know whether this was a single-storey or two-storey extension. However, I note that it was only a rear extension and, consequently, is materially different to the appeal proposal. Therefore, none of the other four developments referred to by the appellant materially alter my decision on the appeal.

### **Conclusion**

24. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*K Townend*

INSPECTOR

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<sup>1</sup> Council refs: HH/2017/1747 & HH/2016/1114

<sup>2</sup> Council ref: HH/2021/3187

<sup>3</sup> Council ref: HH/2011/0126