



Appeal Decision

Site visit made on 25 November 2024

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2024

Appeal Ref: APP/U4610/W/24/3346268

11 Humber Road, COVENTRY CV3 1AT

- 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 RKMC Properties Limited against the decision of Coventry City Council.
 - The application Ref is PL/2023/0002276/FUL.
 - The development proposed is Extension and alteration of existing detached garage to create 1 x 1-bed flat and associated works.
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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,
 - the effect of the proposal on the living conditions of future and existing occupiers with regard to the amount of proposed and retained external space and privacy,
 - the effect on the living conditions of future occupiers with respect to the size of the proposed accommodation,
 - the effect of the proposal on the living conditions of occupiers, of 9 Humber Road, with particular regard to outlook and access to daylight and sunlight, and
 - whether the scheme would make adequate provision for cycle parking.

Reasons

Character and appearance

3. The appeal site is a corner plot adjacent to Humber Road and Hollis Road. Humber Road is a relatively wide street consisting of a range of commercial and residential uses. Hollis Road is residential in character and comprises two-storey terraced housing, set close to the footway, behind low walls. The housing of Hollis Road is of a regimented form, similar in style and predominantly in brick, many with bay windows at ground floor. The appeal site is a flat roof double garage, with a shared front building line with the adjacent terrace housing. The corner plot is occupied by an end terrace

building, consisting of two flats, and attached to a short parade of shops. The double garage is relatively subdued in this setting, making neither a positive nor negative impact on the character and appearance of the area.

4. The proposed development would replace the garage with a two-storey dwelling, including a front dormer window being of red brick. The proposal's eaves and ridge lines would not align with adjacent housing, creating the impression of a rather squat form that would not sit comfortably with its surroundings. Furthermore, being a detached dwelling and having a dormer window the proposal would include characteristics that would be out of character with existing development and exacerbate its discordant nature. Therefore, whilst recognising that the proposal would use materials that are similar to neighbouring built form, it would nevertheless be at odds with the surrounding area.
5. Accordingly, the proposal would not accord with the character and appearance of the surrounding area. As a result, the proposal would conflict with policies DE1 and H3(1) of the Coventry Local Plan [2017](LP), the Council's 'New Residential Development Design Guide' and the National Planning Policy Framework (the Framework) with respect to the effect on an area's character. These seek, among other matters, for development to respond to the physical context of the site and to provide a high-quality environment.
6. LP Policy H5 relates to managing existing housing stock. This provides support for (1) the renovation of existing housing stock, (2) the conversion of buildings and (3) the demolition and redevelopment of existing housing stock. As these three scenarios do not relate to the scheme, the policy weighs neither for nor against the proposed development.

Living conditions – external space

7. LP Policy H3(3) requires development to provide a suitable residential environment including the provision of adequate amenity space. The Council's 'New Residential Development Design Guide' includes minimum space standards for outdoor amenity space. For a one bed house this requires a space of at least 40m² for gardens that predominantly face south and 50m² for a largely north facing garden. The guidance also states that where this standard is not met an applicant would need to robustly demonstrate the reason and satisfy the decision maker that the space would be high quality.
8. It is proposed to remove the conservatory at No 11 to create a larger external space to serve the occupiers of the proposed dwelling. An area to the side of No 11 would be retained for occupiers of the two flats. This space would be significantly below the required thresholds of 40 or 50m². It would be to the immediate rear of the existing two-storey building and the side of the proposed dwelling, creating a narrow space further bound by boundary walls creating a small courtyard area. Due to its small size, being partly adjacent to the footway and being a non-uniform shape, the external space for the proposed dwelling would be of limited use. Consequently, this space would be cramped and not high quality.
9. Furthermore, the retained external space for existing occupiers of no 11 would be compromised due to its extremely small size and its position, between the boundary wall and side of the building, and would only be capable of serving

extremely limited outdoor purposes. As a result, the proposal would not provide a sufficient level of external space for existing or proposed occupiers.

10. The appellant suggest that the proposed amenity space would be a shared space, although this is not indicated on the proposed redline plan. Also, it is asserted such an arrangement is common within high-rise residential development. Although this is agreed, the proposal shows an arrangement where two flats would share one small space and the proposal would have access to another, separate small outdoor space. Even if these two spaces were combined, they would still create only a modest area, shared by three households, that would be poor quality and inadequate in size and shape. The site is within 120 metres of Humber Road Open Space and Gosford Park. These would provide some local outdoor recreational space, but these would not mitigate the extremely limited on-site provision.
11. Consequently, the proposal would fail to provide adequate external space for future occupiers and the retained space would be inadequate for existing occupiers of the plot. As such, the proposal would conflict with policy H3(3) whose objectives have already been set out.

Living conditions – internal space

12. The proposed dwelling would be a one-bedroom property over two levels and be 50m² in size. The Council's 'New Residential Development Design Guide' identifies, at principle 19, that new housing development must comply with the Nationally Described Space Standards (NDSS). These standards require, for a one bed, two storey dwelling house to be a minimum size of 58m² with 1.5m² of storage. Although the appellant asserts that the proposal complies with these requirements, the proposal is not a one bed flat on one level, which would require a reduced figure of 37m². As such, based on the requirements of the NDSS, the proposal would fail to comply with this requirement.
13. Furthermore, the first-floor space would be partly compromised due to the reduced head height under the roof forming a constrained space for storage and use. Also, the ground floor living/kitchen space would have limited space for a table and restricted circulation space and insufficient space to accommodate typical storage needs, creating a compromised layout for future occupiers.
14. For these reasons the proposed internal space would create a poor-quality living environment in conflict with the 'New Residential Development Design Guide' and the Framework. These require development to create a high standard of amenity for future occupiers and to function well.

Living conditions – effect on existing occupiers

15. LP policy DE1 requires development to be of a high-quality design that would respect and enhance its surroundings. Principle 23, of the Council's 'New Residential Development Design Guide' SPD, requires that development that would have a significant adverse effect on the privacy of neighbouring properties to be resisted.
16. Number 11 Humber Road (No 11) consists of two flats. The ground floor flat includes a rear conservatory, with a connecting obscurely glazed door, and a small obscurely glazed window, on the rear elevation of the property. The first floor flat also has a small obscurely glazed window on its rear elevation. Both

flats have access to the external rear and side area, consisting of a small space covered by hardstanding and enclosed by brick walls around 1.6 metres high.

17. Number 9 Humber Road (No 9) is a mid-terraced property with a pharmacy at ground floor. Its rear ground floor has no windows, a solid service door provides access into the currently overgrown rear garden. The owners state that the first-floor space includes a kitchen and bathroom and could be used as a self-contained flat but this is currently used by the pharmacist as an office. There is a first-floor window on the rear elevation that appears to serve a bedroom. Although the garden is currently overgrown it is capable of being used as a garden in association with the flat above the pharmacy.
18. The proposed scheme would increase the footprint and height of the existing building on site with a replacement building. The design has ensured that no windows would overlook the garden of No 9. However, the increase in scale, especially the height, would appear dominant in views from the external area of No 9. It would also undoubtedly affect the usefulness of the small external space for existing occupiers of No 11 for outdoor seating and activities. However, due to the absence of rear windows at ground floor of No 9 and the design of the proposal (being a dormer bungalow), the proposal would not dominate the rear elevation of No 9 or views from the first-floor window, resulting in only a negligible effect on the occupiers of No 9.
19. Despite the absence of sun-path analysis within the evidence, I consider that sunlight into the rear garden of No 9 would be reduced for a large part of the day, especially in winter months when the sun is low to the horizon. However, during these months existing two-storey buildings around the site would also limit sunlight falling on the garden. Furthermore, the area most effected by reduced sunlight is set away from the rear of No 9 affecting the middle and end of the garden. Accordingly, based on the evidence submitted, the proposal would not materially reduce sunlight or daylight to the external space and the rear elevation of No 9. The proposal would not result in significant overshadowing.
20. There would be a short separation distance between the rear of No 11 and the side of the proposal. The proposed ground floor would include a kitchen window that would look into future occupier's external space. This relationship would not compromise the privacy of neighbouring occupiers as the windows and door, of the ground floor flat of No 11, are obscurely glazed.
21. As a result, the proposal would result in no material harm to the living conditions of occupiers of neighbouring properties in terms of outlook, privacy or result in a material loss of sunlight or daylight. Consequently, the proposal would accord with LP policy DE1 and the 'New Residential Development Design Guide' in terms of the effect on neighbour's living conditions.

Cycle parking provision

22. The Council identifies that a condition requiring the provision of cycle parking and a bin store was attached to the recent planning permission to convert No 11 into two flats. During my visit I observed that these had not been provided within the rear area. I understand that the proposed scheme would occupy the space set aside for these. However, the requirements for bin and cycle storage could be revised and accommodated within the small external areas proposed.

The proposed layout for the plot could therefore satisfy the Council's requirements for both the proposed and existing dwellings if the proposal were allowed, although these would further limit the space available within the outdoor areas.

23. As such, the need to provide cycle parking and bin storage could have been resolved by the imposition of a condition. Also, an absence of compliance with the original condition for cycle parking could be separately pursued by the Council. Accordingly, the proposal would comply with LP policy AC2 and the Coventry Connected SPD [2018]. These require development to support and accommodate measures which mitigate and manage traffic growth.

Other Matters

24. The proposed dwelling would be within an established urban area. It would make efficient use of land and would provide occupiers good access to goods and services. The appellant asserts that the replacement of the garage is dated and no longer in use. It is asserted that the proposal would remove an unsightly structure that is a target for graffiti and fly tipping. These benefits weigh in favour of the proposal, albeit to a limited extent.

Conclusion

25. For the reasons given above, and having had regard to all other matters raised, the benefits of the scheme do not indicate support for a proposal that has been found to not accord with the development plan when taken as a whole. Consequently, the appeal should be dismissed.

Ben Plenty

INSPECTOR