



Appeal Decision

Site visit made on 22 January 2025

by **Ian McHugh DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th March 2025

Appeal Ref: APP/T3725/D/24/3355217

12 Birmingham Road, Stoneleigh, Coventry, CV8 3DD

- 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 Tiara Mashood against the decision of Warwick District Council.
 - The application Ref is W/24/0887.
 - The development proposed is two-storey and single-storey rear extensions.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey and single-storey rear extensions at 12 Birmingham Road, Stoneleigh, Coventry, CV8 3DD in accordance with the terms of the application, Ref W/24/0887, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Plans and Elevations Rev 2.
 - 2) Within 3 months of the date of this decision, details of a scheme for the reinstatement of the chimney and replacement of dark coloured windows shall be submitted to and approved by the local planning authority. Within 6 months of that approval, the scheme shall be implemented in strict accordance with the approved details.
 - 3) Prior to the occupation of the development hereby permitted, the first-floor windows in the north west facing side elevation shall be permanently glazed with obscured glass to a degree sufficient to conceal or hide the features of all physical objects from view and shall be non-opening unless the parts of the window that can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The obscured glazed windows shall be retained in that condition at all times.

Procedural Matters

2. The description of the development used in the heading above as that used by the Council in its decision notice. It differs from that stated on the planning application form, which did not refer to the two-storey extension. I sought clarification from the Council, because the evidence that I have before me is that the two-storey extension had previously been granted permission.
3. The Council responded by stating that as the two-storey addition had not been completed, it considered that it should also form part of the appeal proposal. The appellant has not objected to this and, therefore, I have used the Council's description in this appeal decision.

4. Planning permission has also been refused by the Council for a two-storey extension, removal of chimney and change of the window colour (W/24/0885). That proposal is the subject of a separate appeal (APP/T3725/D/24/3355264) and a separate decision.

Main Issue

5. The main issue is the effect of the proposal on both the character and appearance of the appeal dwelling and the Stoneleigh Conservation Area (CA).

Reasons

6. The appeal property is a two-storey semi-detached dwelling, which is situated in the village, fronting Birmingham Road. It is located within the CA, which encompasses the historic core of the village and includes a number of small scale, brick infilled timber framed cottages. The appeal property was constructed at a later date but nevertheless, it is a building of interest with a front-facing two storey gable and small front-facing dormer with a gabled overhanging roof. The property originally had two chimneys, but one of these has recently been removed (without permission). I shall refer to this aspect later in my decision.
7. The CA is subject to an Article 4 Direction that removes permitted development rights for the developments proposed by the appellant.
8. The proposal, which is under construction is for a two-storey and single-storey rear extensions. The two-storey extension, with a gabled roof, was previously granted permission by the Council on 7 November 2023, under reference W/23/0974. It provides a kitchen on the ground floor and a bedroom above. The Council states that the two-storey extension is acceptable given the earlier approval. The single-storey ground-floor extension has a flat roof with fully glazed rear facing window/doors. It would be attached to the existing lounge.
9. The current appeal proposal also includes the reconstruction of a chimney that was recently removed and replacement white windows in lieu of the dark stained fenestration, which have also recently been installed.
10. It is statutory requirement when considering applications for planning permission that decision makers have regard to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in Policy HE1 of the adopted Warwick District Local Plan 2011-2029 (LP) and in Chapter 16 of the National Planning Policy Framework 2024 (The Framework).
11. The Council gives support to both the reinstatement of the chimney stack and the white fenestration, but considers that the development would be harmful to the character and appearance of the existing property by obscuring both its original plan form and its original rear elevation. Furthermore, the Council also states that the proposal would cause harm to the setting of the neighbouring property at number 11 Birmingham Road, which is a listed building. It argues that the harm to the heritage assets is not outweighed by any public benefits.
12. I consider the two-storey element of the appeal proposal to be acceptable in terms of its design and appearance and because it is little different to the extension that was granted in 2023. Whilst the single-storey rear extension (currently under construction) covers the original ground floor elevation of the property, it is a relatively small addition and is not visible from Birmingham Road. In my opinion, it

does not harm the character or appearance of the CA. Furthermore, whilst the original ground floor elevation was of a simple and traditional appearance, I am not persuaded that it was of particular significance in heritage terms. I also noted at my site visit, that significant alterations and extensions have been carried out at the rear of the adjoining dwelling at number 13 Birmingham Road.

13. Common features of the CA and the original dwelling are chimney stacks and white coloured fenestration. Whilst properties in the CA vary in terms of their scale, age, and appearance, both elements are important characteristics, which contribute positively to the architectural significance of the heritage asset. It is, therefore, necessary to ensure that they are reinstated in line with the submitted plans. I consider that this can be achieved by a planning condition.
14. Regarding the windows, the appeal proposal only covers the fenestration on the rear and side windows. A proposal to retain the dark coloured windows on the whole property is the subject of the separate appeal, referred to in paragraph 4 above.
15. I am not persuaded that the proposal causes any harm to the setting of number 11 Birmingham Road. There is a reasonable degree of separation between the dwellings and the visual and spatial relationship ensures that both properties stand apart from each other and the extensions do not intrude into the setting of number 11.
16. For the reasons given above and subject to conditions, I consider that the proposal would not have a harmful effect on the character or appearance of the existing dwelling or the CA and it would not conflict with the provisions of the Development Plan or The Framework, as referred to above.

Other Matter

17. The appeal property is also within the Green Belt. Both local and national planning policies seek to ensure that inappropriate development, including the construction of buildings, should not be approved unless the proposal falls within a list of exceptions. One of these is that extensions or alterations to a building should not result in disproportionate additions over and above the size of the original building (The Framework, paragraph 154). Policy DS18 of the LP states that the Council will apply national policy to proposals within the Green Belt.
18. The Officer's report states that the proposal would accord with Green Belt policy, as the proposal would not result in disproportionate additions. I have no reason to disagree with that conclusion.

Conditions

19. The Council has suggested conditions in the event of the appeal being allowed. As the development has already started, it is not necessary to impose the standard condition requiring commencement within 3 years. For clarity, a condition is imposed specifying the approved plans. Regarding external materials (excluding the windows), I am satisfied that the bricks and tiles that have been used are acceptable and, therefore, a condition is not required.
20. Turning to the fenestration and chimney reinstatement, I have sought comments from both parties on the need for a condition to secure the necessary works. The Council has suggested that a scheme be submitted within one month of the

decision and that the works be completed within two months of the scheme being approved. The appellant has requested longer periods of three and six months respectively. The appellant has also requested that the chimney be replaced with a 'faux' chimney and that the requirement for white windows be limited to the front elevation only.

21. Regarding the chimney reinstatement, I do not have any details on the design or appearance of a 'faux' chimney and this is a matter on which the appellant may wish to discuss with the Council. I believe the condition would allow this discussion.
22. The appeal proposal plans only cover the side and rear elevation. Changes to the fenestration on the front elevation are considered in the separate appeal, referred to in paragraph 4. Consequently, I can only deal with what was applied for, which is to restore white coloured windows on the rear and side of the property. Any changes should be discussed with the Council.
23. Notwithstanding the above, I consider that the appellant's request for a longer period to submit and agree details is reasonable and I have worded the condition accordingly.
24. The Council has also suggested that condition be imposed that require the use of obscure glazed glass with restricted opening on the first-floor windows on the side elevation of the property. It considers this necessary to maintain the privacy of the occupants of number 11 Birmingham Road. I consider this to be reasonable and necessary and, therefore, the suggested condition is imposed.

Conclusion

25. For the reasons given above and subject to conditions, it is concluded that the appeal be allowed.

Ian McHugh

INSPECTOR