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## Appeal Decision

Site visit made on 12 August 2025

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14<sup>th</sup> August 2025

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**Appeal Ref: APP/U4610/W/25/3366876**

**Land Between 120 And 122 Burnaby Road, Coventry CV6 4BA**

- 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 Craig Allsopp against the decision of Coventry City Council.
  - The application Ref is PL/2025/0000724/FUL.
  - The development proposed is construction of new 1-bedroom dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are (i) the effect of the development on the character and appearance of the area, (ii) whether it would provide satisfactory living conditions for future occupiers having regard to privacy, and (iii) its effect on living conditions and privacy at nearby residences.

### Reasons

*Character and appearance of the area.*

3. The houses on Burnaby Road are all 2 storeys high and they are in terraces set back a short and consistent distance from the pavement. The uniformity in the style and layout of the houses is an obvious and fundamental characteristic of the locality, despite the fact that many of the properties have been altered.
4. At odds with its context, the proposed house would be detached, single storey and back towards the rear of the plot rather than in line with the existing dwellings. A proposed fence and gate would hide the unusually long front garden from the pavement. However, the plans indicate the house would be taller than the fence and so it would be visible from the street. Also, it would be viewed from the rear windows in the residences on either side of the plot. From where it is seen, the dwelling would appear unsympathetic to the area by virtue of its lower height and its set back position separate from the terraces. The use of high quality external materials would not address nor override this incongruity.
5. The proposed house would reflect the position and scale of outbuildings seen in the back gardens of adjacent residences. However, it would not be behind a dwelling that faces the street and so it would be viewed as a separate property rather than an ancillary building to a main residence. As such, the development would stand out as being different to nearby back garden buildings.

6. There is little explanation before me on why the appellant considers the appeal site does not lend itself to replication of the style of nearby housing. Even if this contention is accepted, the constraints to development on the appeal site do not justify a proposal that would be so starkly at odds to the fundamental characteristics of the locality.
7. Therefore, I conclude the development would be harmful to the character and appearance of the area. In these regards, it would not accord with policy DE1 of the Council's Local Plan adopted 2017 (the LP). Amongst other things, this looks to ensure development respects its surroundings and responds to a site's context. Also, the proposal would not accord with the Council's Design Guidance for New Residential Development 1991 (DG), which at section 11.0 states infill residential development should maintain the existing character of an area.

*Living conditions for future occupiers.*

8. From the first floor rear windows of the adjacent properties there would be direct sight of the principal elevation of the proposed house as well as the part of its garden nearest to the dwelling. Overlooking from these elevated viewpoints and at fairly close proximity would significantly impinge on the privacy of the occupants of the development. This would be particularly intrusive as there would be no meaningful private outdoor space to the rear of the proposed dwelling.
9. The appellant claims the proposed dwelling would accord with required separation distances as set out in the DG. However, I am taken to no particular part of the document in support of this claim. Section 10.1 of the DG sets out normal minimum distances but the advice does not refer to situations where the front of a proposed dwelling would be overlooked by rear windows of adjoining houses. As such, I am unconvinced the DG provides relevant stipulations to be used in assessing the acceptability of the living environment at the appeal development.
10. Therefore, I conclude the proposed residence would not provide satisfactory living conditions in terms of privacy. In these regards, it would not accord with LP policy H3 and the requirement that new development must provide a high quality residential environment.

*Effect on living conditions at nearby residences.*

11. Walls on both side boundaries of the site would obstruct views from the front window of the proposed dwelling of the back gardens to the adjoining houses. The first floor rear windows on the adjacent houses would be seen from this window but the views would be similar to those that already exist from back gardens on either side of the plot. For these reasons, I conclude the development would avoid harm to living conditions at nearby residences in terms of overlooking or loss of privacy. In these regards, it would accord with LP policy H3.

**Other Considerations and Planning Balance**

12. In light of my conclusions on the first 2 main issues, the proposal would be contrary to LP policies when read as a whole. It follows to consider whether other factors justify granting planning permission.
13. The appellant mentions the use of the appeal site for commercial storage such as a builder's yard. However, the evidence before me indicates the site was most recently used as an access to factories, although it now serves no such purpose

due to the new housing beyond the fence on the rear boundary. There is no evidence to show the plot could be lawfully used as a builder's yard. As such, I am unconvinced the site would be put to a use that could cause disturbance to nearby residents should the appeal be dismissed.

14. The dwelling would include features to ensure it is energy efficient and minimises water consumption. Also, the proposal would represent the effective use of previously developed land within an urban area where residents would have good access to facilities and public transport. It would make a small contribution to the provision of dwellings and it would help diversify local housing by providing a smaller residence. There is no planning obligation before me that requires the development to be provided as an affordable house or that stipulates it would be constructed and occupied as a self-build dwelling. Nonetheless, there are significant benefits to the proposal.
15. No information has been submitted to show whether the Council is able to demonstrate a 5 years' supply of housing land as required under the terms of the National Planning Policy Framework (the Framework). In circumstances where there is an inadequate supply of housing land, footnote 8 and paragraph 11(d) of the Framework are engaged. Sub-paragraph 11(d)(ii) of the Framework requires consideration of the harm caused by the proposal against its benefits.
16. The scheme would be contrary to requirements under paragraph 135 of the Framework for development to be sympathetic to local character and to create places with a high standard of amenity for future occupiers. Under paragraph 139 of the Framework, development that is not well designed should be refused. Therefore, I find the detriment caused by the proposal would significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole. The circumstances under sub-paragraph 11(d)(ii) exist and so the presumption in favour of sustainable development as outlined under paragraph 11d of the Framework does not apply.

## **Conclusion**

17. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, I conclude the appeal should be dismissed.

*Jonathan Edwards*

INSPECTOR