

APPEAL PROGRESS REPORT

PURPOSE OF THE REPORT

The purpose of this report is to inform Members of appeals lodged and determined. Due to the period of time since appeals were last reported this report provides the statistics for appeals for the period of 30 January to 31 December 2016 with a summary for those that were allowed; and the statistics and summary of all appeals for the period of 1 January 2017 to 31 March 2017. Following this report appeals progress will be reported again in August and then every other month thereafter.

RECOMMENDATION

That the report is noted.

INTRODUCTION

Members are requested to note the appeal decisions of either the Secretary of State or the relevant Inspector that has been appointed to determine appeals within the defined period.

In line with the parameters above the report sets out the main issues of the appeals and summarises the decisions. Where claims for costs are made and/or awarded, either for or against the Council, the decisions have been included within the report.

BACKGROUND INFORMATION

When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.

Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition then they could have appealed against the condition at the time it was originally imposed.

Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.

MONITORING

Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee. The lack of any monitoring could encourage actions that are contrary to the Council's decision, possibly resulting in poor quality development and also costs being sought against the Council.

FINANCIAL & LEGAL CONSIDERATIONS

An appeal may be determined after a Public Inquiry, a Hearing or most commonly written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is considered that either party has acted in an unreasonable way.

It is possible for decisions, made by Inspectors on appeal to be challenged through the courts. However, this is only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure.

A decision cannot be challenged just because a party does not agree with it. A successful challenge would result in an Inspector having to make the decision again following the correct procedure. This may ultimately lead to the same decision being made.

It is possible for Inspectors to make a 'split' decision, where one part of an appeal is allowed but another part is dismissed.

SUMMARY OF APPEALS IN PERIOD OF 30 JANUARY TO 31 DECEMBER 2016

No. APPEALS PENDING	17
No. APPEAL DECISIONS RECEIVED	27
No. ENFORCEMENT APPEALS LODGED	0
No. ENFORCEMENT APPEAL DECISIONS RECEIVED	2
No. OFFICER DECISIONS ALLOWED	1
No. MEMBER DECISIONS ALLOWED	2

Appeals Dismissed

Site Address:	Gramercy Park, Land at Astoria Drive
Reference Number:	FUL/2015/0503
Description:	Change of use to car rental (Sui Generis) with associated office building, parking and landscaping
Decision Level:	Delegated
Decision:	Refusal on 16 April 2015
Appeal Decision:	<i>Dismissed on 29 January 2016</i>
Costs Decision:	Refused
Site Address:	Gramercy Park, Land at Astoria Drive
Reference Number:	ADV/2015/0541
Description:	Erection of 2 internally illuminated fascia signs and 1

	internally illuminated monument sign
Decision Level:	Delegated
Decision:	Refusal on 16 April 2015
Appeal Decision:	<i>Dismissed on 29 January 2016</i>
Site Address:	370 Foleshill Road
Reference Number:	FUL/2015/0221
Description:	Extensions to provide 8 self-contained flats and additional storage area in connection with retail unit
Decision Level:	Delegated
Decision:	Refusal on 1 June 2016
Appeal Decision:	<i>Dismissed on 8 February 2016</i>
Site Address:	8 Bates Road
Reference Number:	FUL/2015/2246
Description:	Erection of two semi-detached dwellings
Decision Level:	Delegated
Decision:	Refused on 20 August 2015
Appeal Decision:	<i>Dismissed on 22 February 2016</i>
Site Address:	3 Radcliffe Road
Reference Number:	FUL/2015/2735
Description:	Change of use from dwelling house to a house in multiple occupation
Decision Level:	Delegated
Decision:	Refused on 11 September 2015
Appeal Decision:	<i>Dismissed on 26 February 2016</i>
Site Address:	41 Leven Way
Reference Number:	HH/2015/0743
Description:	Erection of a fence (retrospective)
Decision Level:	Delegated
Decision:	Refusal on 27 November 2015
Appeal Decision:	<i>Dismissed on 7 March 2016</i>
Site Address:	215 Aldermans Green Road
Reference Number:	ENF/2015/0060
Description:	Appeal against Enforcement Notice in respect of a close boarded fence
Decision Level:	Planning Committee

Officer Recommendation:	Serve Enforcement Notice
Decision:	Enforcement Notice issued on 16 December 2015
Appeal Decision:	<i>Enforcement Notice upheld on 25 April 2016</i>
Site Address:	8 Station Avenue
Reference Number:	FUL/2015/2200
Description:	Change of use from retail (A1) to mixed use as café and hot food takeaway (A3 and A5) (retrospective)
Decision Level:	Planning Committee
Officer Recommendation:	Approval
Decision:	Refused on 3 September 2015
Appeal Decision:	<i>Dismissed on 9 May 2016</i>
Site Address:	Clarendon House, Birmingham Road
Reference Number:	FUL/2015/3277
Description:	Erection of extension to existing nursing home
Decision Level:	Delegated
Decision:	Refusal on 23 November 2015
Appeal Decision:	<i>Dismissed on 9 June 2016</i>
Site Address:	3 Thornton Close
Reference Number:	HH/2015/4184
Description:	Erection of two storey side extension, single storey side and rear extension and a front porch
Decision Level:	Delegated
Decision:	Refusal on 29 January 2016
Appeal Decision:	<i>Dismissed on 15 June 2016</i>
Site Address:	Land adjacent to Pickford Green Lane
Reference Number:	OUT/2015/2742
Description:	Outline application for residential development of 4 bungalows with access off Pickford Green Lane (access and layout)
Decision Level:	Delegated
Decision:	Refusal on 16 November 2015
Appeal Decision:	<i>Dismissed on 18 July 2016</i>
Site Address:	Red Lodge, Tamworth Road
Reference Number:	HH/2015/3649
Description:	Erection of a detached garage in front garden
Decision Level:	Delegated
Decision:	Refusal on 10 February 2016
Appeal Decision:	<i>Dismissed on 28 July 2016</i>
Site Address:	1-3 Cameron Close
Reference Number:	FUL/2015/1552
Description:	Erection of a pair of semi-detached houses and a detached garage for No. 3 Cameron Close

Decision Level:	Delegated
Decision:	Refused on 1 October 2015
Appeal Decision:	<i>Dismissed on 29 July 2016</i>
Site Address:	16 Westminster Road
Reference Number:	FUL/2015/3558
Description:	Erection of single storey rear extension to create additional self-contained flat
Decision Level:	Delegated
Decision:	Refusal on 28 January 2016
Appeal Decision:	<i>Dismissed on 2 August 2016</i>
Site Address:	400 Swan Lane
Reference Number:	FUL/2015/4262
Description:	New dwelling in rear garden
Decision Level:	Delegated
Decision:	Refusal on 5 February 2016
Appeal Decision:	<i>Dismissed on 12 August 2016</i>
Site Address:	Green Acre, Ted Pitts Lane
Reference Number:	HH/2016/0802
Description:	Erection of two storey extension and new double garage
Decision Level:	Delegated
Decision:	Refusal on 9 May 2016
Appeal Decision:	<i>Dismissed on 15 August 2016</i>
Site Address:	140 Leamington Road
Reference Number:	ENF/2015/0058
Description:	Appeal against Enforcement Notice in respect of a single storey rear extension
Decision Level:	Planning Committee
Officer Recommendation:	Serve Enforcement Notice
Decision:	Enforcement Notice issued on 11 December 2015
Appeal Decision:	<i>Enforcement Notice Upheld with Variation on 1 September 2016</i>
Site Address:	6 The Firs
Reference Number:	FUL/2016/0680
Description:	Erection of 2 detached 4 bedroomed houses and provision of 4 car parking spaces
Decision Level:	Delegated
Decision:	Refusal on 17 May 2016
Appeal Decision:	<i>Dismissed on 7 October 2016</i>
Site Address:	Brownhill Green United Reform Church, Hawkes Mill Lane
Reference Number:	FUL/2015/3843
Description:	Erection of detached dwelling

Decision Level:	Delegated
Decision:	Refusal on 15 January 2016
Appeal Decision:	<i>Dismissed on 11 October 2016</i>
Site Address:	12 Brill Close
Reference Number:	FUL/2015/4339
Description:	Change of use to house in multiple occupation for 8 occupants and erection of two storey side extension
Decision Level:	Planning Committee
Officer Recommendation:	Approval
Decision:	Refusal on 15 February 2016
Appeal Decision:	<i>Dismissed on 11 October 2016</i>
Site Address:	199 Scots Lane
Reference Number:	HH/2016/1207
Description:	Erection of single storey side extension
Decision Level:	Delegated
Decision:	Refusal on 28 June 2016
Appeal Decision:	<i>Dismissed on 11 October 2016</i>
Site Address:	30 Cromwell Street
Reference Number:	FUL/2015/2850
Description:	Change of use to banqueting and conference facility / function rooms (retrospective) and external alterations
Decision Level:	Planning Committee
Officer Recommendation:	Refusal
Decision:	Refusal on 26 November 2015
Appeal Decision:	<i>Dismissed on 4 November 2016</i>
Site Address:	144 Lockhurst Lane
Reference Number:	FUL/2016/0205
Description:	Change of use to shop including off licence (use class A1) (retrospective)
Decision Level:	Delegated
Decision:	Refusal on 19 February 2016
Appeal Decision:	<i>Dismissed on 4 November 2016</i>
Site Address:	Land adj to 47 Ribble Road and Gosford Community Hub
Reference Number:	FUL/2015/4322
Description:	Erection of 2.5 storey residential development comprising of 10 two bedroomed flats and 3 one bedroomed studios
Decision Level:	Delegated
Decision:	Refusal on 1 April 2016
Appeal Decision:	<i>Dismissed on 6 December 2016</i>
Site Address:	36 Morris Avenue

Reference Number:	HH/2016/1998
Description:	Erection of a two storey side extension and side boundary wall
Decision Level:	Delegated
Decision:	Refusal on 29 September 2016
Appeal Decision:	<i>Dismissed on 12 December 2016</i>

Appeals Allowed

Site Address:	21 Highgrove
Reference Number:	HH/2015/3431
Description:	First floor extension together with 2 dormers above garage
Decision Level:	Delegated
Decision:	Refusal on 27 November 2016
Appeal Decision:	<i>Allowed on 20 June 2016</i>

Summary of Decision

The main issue is the effect of the proposed development on the character and appearance of the area.

The appeal proposal is a first floor side extension to an attached single storey garage with the addition of 2 dormer windows to the west facing roof slope. Planning permission has been granted previously for a first floor side extension with roof lights to provide light to the first floor accommodation. The scale and design of the current proposals are the same as previously other than the addition of the two dormer windows and the appeal focuses on the impact of the proposed dormers.

The dormer windows would result in an increase in bulk and massing of the extension and would alter the visual impact, but the Inspector is satisfied that the overall scale, design and use of matching materials appear appropriate. Given their scale and position low down on the roof slope they would not appear as an over-dominant feature.

The Council's position is that other dormers in the vicinity are original features and not additions to large extensions but there is no distinction in policy in considering if dormer windows are a characteristic feature. On the basis of the evidence and observations, the Inspector is satisfied that the extension incorporating the dormer windows would not result in an adverse impact on the character and appearance of either the host dwelling or the area.

The appeal is allowed with conditions in respect of: time limits; being in accordance with approved drawings; matching materials; and protection of TPO trees (which are adjacent to the site).

Site Address:	Land at 137 Grangemouth Road
Reference Number:	ENF/2015/0057
Description:	Appeal against Enforcement Notice in respect of a single storey rear extension
Decision Level:	Planning Committee
Decision:	Enforcement Notice issued on 11 December 2015
Appeal Decision:	<i>Enforcement Notice quashed and planning permission granted on 31 August 2016</i>

Summary of Decision

This relates to a single storey rear extension to a terraced property. The extension is 5.9m in depth and 3.07-3.1m in height. Prior approval had previously been obtained in relation to a 4.6m projection extension (PA/2014/0163) and subsequently for a 6m projection extension (PA/2014/0571). The extension built does not accord with either approval.

The main issue is the effect of the extension on the living conditions of neighbouring residents. The extension does not comply with the Council's SPG but an alternative requirement of the notice to total demolition, is for modification of the extension so that it accords with PA/2014/0571 which would be 0.2-0.3m lower at eaves and 0.3-0.5m lower in overall height than that which exists.

The Inspector's assessment is based on the fall back position and a comparison between this and the as built development. She considered that given as the depth of extension would be retained as built and that all that is required is a small reduction in eaves height and overall height, this would make no material difference to the impact on neighbouring properties.

The Inspector concluded that the effect of the extension as built on the living conditions of neighbouring residents with regard to light and outlook when compared with the fallback does not result in any additional material harm such that it warrants dismissal of the appeal. In this particular case the material consideration of the fallback outweighs conflict with local policies and the appeal succeeds on ground (a).

Site Address:	36 Cannon Hill Road
Reference Number:	FUL/2015/3420
Description:	Change of use from single dwelling (Use Class C3) to a house in multiple occupation for 8 occupants (Sui Generis) with conversion and forward extension of the existing garage (retrospective)
Decision Level:	Planning Committee
Officer Recommendation:	Approval
Decision:	Refusal on 14 April 2016
Appeal Decision:	<i>Allowed on 19 September 2016</i>

Summary of Decision

The main issue is the effect of the change of use on the character and appearance of the area. 36 Cannon Hill Road is a large detached house within a road of similar

houses. It includes 3 bedrooms, living room and kitchen at ground floor and 5 bedrooms, bathroom and 2-en-suites at first floor. The property was previously used as a dwelling but has been used as a shared house for approximately 5 years.

There was nothing to differentiate No.36 from other properties on the road. At the time of the site visit the area was generally well maintained and houses are set back from the road incorporating car parking. No.36 had 6 dustbins rather than 4 but rubbish was contained within the bins and not overflowing. It is acknowledged that HMO properties can detract from the quality of the area but generally the property was not in such a state to be harmful to the overall character of the area. The Inspector appreciated that the pattern of behaviour within a house in multiple accommodation would be different to that associated with a family house but that the house could be occupied by 6 people without the need for planning permission and a further 2 people would not significantly alter the character of occupation.

She noted there was no indication that there are other similar properties in the street and therefore allowing appeal would not have a cumulative impact. For these reasons she considered that the proposal would not be harmful to the character and appearance of the area.

It was acknowledged that HMO's can sometimes have a disruptive effect and regard was had to another decision where an inspector found that the use of a property for 8 people would cause noise and disturbance to a neighbouring property but this was a semi-detached house. In this instance the Inspector was not persuaded that the additional noise and disturbance from occupation by 8 people would be greater than occupation as a 6 person HMO.

A small extension was proposed but it was not considered that the privacy of surrounding properties would be compromised. The issue of highway safety was raised and considered. Although the parking layout demonstrates that 6 cars could be accommodated, the layout appears convoluted and is unlikely to operate effectively in practice. She considered only 3 space would be provided in reality but as the site is close to the University of Warwick and bus routes to the city centre it was reasonable that a proportion of the tenants will not need access to a car.

On-street parking is unrestricted and she saw no evidence that this was under pressure. She noted there is primary school north of the appeal site and therefore considered it would be busier for periods of the day at drop off and pick up times, but concluded that the proposal would not impact on over and above that of a dwellinghouse. Concerns were raised that allowing a HMO would set an undesirable precedent but she contends that applications for HMO's have to be assessed on their own merits. The inspector was satisfied that her findings in relation to the character and appearance of the area would not set an undesirable precedent for future HMO's.

The Council requested a condition requiring that the development be in accordance with the approved drawings, but the Inspector considered it more useful to restrict the number of residents as also suggested by the Council.

The Inspector recognised that the proposal had attracted significant local opposition but this in itself is not a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons and supported by substantial evidence and having taken into account the submitted representations and all evidence before her, the Inspector was not persuaded that the objections raised outweighed her findings in relation to the main issues and concluded that the appeal should be allowed.

Site Address:	Land off Wood Hill Rise
Reference Number:	FUL/2015/3752
Description:	Erection of four dwellings with associated parking
Decision Level:	Delegated
Decision:	Refusal on 13 April 2016
Appeal Decision:	<i>Allowed on 11 October 2016</i>

Summary of Decision

The main issue is the effect on the character and appearance of the area.

The area is characterised by a variety of age and style of buildings although the majority of dwellings on Wood Hill Rise are modern, semi-detached houses of simple design. The regular plot width and set back from the highway gives a consistent rhythm to the character and appearance of Woodhill Rise.

The appeal site forms part of the gardens of properties on Holbrook Lane. The proposal is for 4 detached dwellings located at the western end of one of the spurs of Wood Hill Rise which would be served by and front an access drive that would be at 90 degrees to Wood Hill rise.

The Inspector considered the dimensions and shapes of the proposed plots would be comparable with other properties on Wood Hill Rise and dwellings would have design details and materials compatible with the immediate vicinity.

It was considered that the juxtaposition of the front elevation of plot 4 to the flank wall of No.15 was not repeated in the immediate vicinity, but there are other examples of rear elevations of dwellings facing flank walls. The Inspector noted that the council did not state that the living conditions of future occupiers would be harmed by this juxtaposition and therefore saw no reason to take a contrary view. The Inspector considered that “the appeal proposal would be compatible with the established pattern and grain of the area and as such would not be an overdevelopment of the site. In conclusion the proposed development would not harm the character and appearance of the area. As such it would comply with policies H12 and BE2 of the CDP 2001.

Reference was made to the planning history of the site and previous applications that were refused at appeal. The full details of these were not considered, but the Inspector determined the appeal on its own merits.

The appeal was allowed with 12 conditions, which covered matters relating to the following: time limit; development to be carried out in accordance with approved

plans; boiler emissions; provision of electric vehicle charging points; materials details; car parking provision; drainage details; construction method statement; restriction on windows; contamination; ecology; and tree protection matters.

Site Address:	12 Spon Street
Reference Number:	LB/2015/4119
Description:	Installation of new mechanical ventilation duct protruding through the pitched roof to the rear wing and installation of fresh air vents through existing ground floor boarded windows to side elevation
Decision Level:	Planning Committee
Officer Recommendation:	Refusal
Decision:	Refusal on 11 February 2016
Appeal Decision:	<i>Dismissed in part and allowed in part on 21 October 2016</i>

Summary of Decision

The appeal is retrospective as the works were undertaken following a fire. The main issue in this case is whether the works preserve the special architectural or historic interest of the Grade II listed building, and whether they preserve or enhance the character or appearance of the conservation Area.

No.12 is a 26th Century timber framed property with tiled roof. The age of the property, its medieval timber frame, prominence of the building's façade in the street scene and its wider association with Spon Street and surrounding historic buildings area all important parts of the building's special interest and significance.

The Inspector notes the ventilation duct is situated on the pitched roof of the rear wing and protrudes through the roof with a square timber weather apron. The configuration, size, and colour of the flue all combine to create a stark and obtrusive design at odds with the tiled roof and age of the building.

Due to surrounding buildings, public viewpoints of the duct are limited but a more distinct view of the duct can be seen from the IKEA car park to the south where it can be easily seen amongst the roofscape as the colour makes the duct stand out against the red tiled roofs of the rear wing and building. The distinctive shape of the flue adds to the incongruous appearance of the duct and attracts attention to its detrimental impact on the appearance and character of the listed building. The Inspector considers that the proposal would result in harm being caused to the significance of this listed building and to the appearance of the Conservation Area.

The Inspector notes that the air vents are placed within some boarded up windows on the side. They are not visible and painted black to match the board. The council raise no objections to these and the Inspector considers that the vents cause no harm to the listed building or the wider conservation area.

The Inspector concludes that "the duct causes harm to the significance of the listed building and does not preserve the character and appearance of the Spon Street

conservation Area. The flue is contrary to Policy BE11 of the CDP and to the Framework.”

The appeal is dismissed insofar as it relates to replace former mechanical ventilation duct protruding through pitched roof to rear wing with larger duct to comply with building regulations (sprayed black).

The appeal is allowed insofar as it relates to the remainder of the application for fresh air vents through existing ground floor boarded windows to side elevation (sprayed black).

SUMMARY OF APPEALS IN PERIOD OF 1 JANUARY TO 31 MARCH 2017

No. APPEALS PENDING	2
No. APPEAL DECISIONS RECEIVED	16
No. ENFORCEMENT APPEALS LODGED	2
No. ENFORCEMENT APPEAL DECISIONS RECEIVED	1
No. OFFICER DECISIONS ALLOWED	4
No. MEMBER DECISIONS ALLOWED	0

Site Address:	105 Momus Boulevard
Reference Number:	HH/2016/1653
Description:	Erection of a single storey side and rear extension
Decision Level:	Delegated
Decision:	Refusal on 10 August 2016
Appeal Decision:	<i>Dismissed on 4 January 2017</i>

Summary of Decision

The main issue is the effect of the proposal on the living condition of the occupiers of the adjacent property at No.103 Momus Boulevard with regard to light and their outlook.

The proposal is to remove the existing single storey rear extension and replace it with a larger extension stretching the full width of the plot. It would abut an extension at No.107 and would be comparable in depth to an extension at No.103.

There are patio doors on the rear elevation of the original house at 103 and the extension would exceed a 45degree line drawn from these doors and 3.3m which is the criteria set out in the SPG. Although the guidance dates from 2003 the Inspector considers it reasonable and a material consideration.

The extension would have an asymmetrical roof with an eaves height of 2m similar to the existing boundary. Whilst the amount of sunlight received by the patio doors at 103 would not be significantly effected, the extension would be clearly visible and would appear prominent to the extent that it would adversely affect the outlook. When seen in combination with the existing extension at No.103 the extension would also create tunnelling and a sense of enclosure which would harmfully effect the outlook.

The Inspector concludes, “the extension would adversely affect the outlook from the patio doors in the rear elevation of No.103 and as such the living condition of the occupiers of this property would be harmed...[in] conflict with Policy H4 of the CDP.

Site Address:	95 Kenilworth Road
Reference Number:	HH/2016/1921
Description:	Erection of double garage
Decision Level:	Delegated
Decision:	Refusal on 15 September 2016
Appeal Decision:	<i>Allowed on 5 January 2017</i>

Summary of Decision

The main issue is the effect of the proposed development on the character and appearance of the area, including whether or not it would preserve or enhance the character or appearance of the Kenilworth Road Conservation Area.

The Conservation Area has a spacious, landscaped and bosky appearance. The proposed garage would be attached to an existing outbuilding and would broadly reflect its style and form. The garage would be slightly smaller than the existing outbuilding and although it would have a significant footprint, it would be much smaller than the host dwelling and subservient to it.

The Inspector noted the dwelling sits on a large plot and would be well screened from Kenilworth Road by trees. Although it would be seen from the road in view of its limited height and set back it would not be prominent and glimpsed views would be similar to partially concealed views of other buildings. The Inspector does not agree that the garage would appear as a substantial building separated from the host dwelling and considers it would not significantly intensify the built form on the site.

There was concern that the scheme would have the potential to damage trees, but it is set in from the boundary and woodland trees are some distance away as such the Inspector is satisfied that proposal would not impact on landscape features.

The Inspector is satisfied that the proposals would not conflict with Policies BE2 and BE9 of the CDP and concludes that the appeal should succeed.

Condition are imposed relating to: Time limit on the permission; development to be in accordance with the approved plans; and materials to match the existing.

Site Address:	Greyhound Gun Club, Sutton Stop
Reference Number:	FUL/2016/0743
Description:	Retention of 2 caravans associated with Greyhound gun Club
Decision Level:	Delegated
Decision:	Refusal on 5 August 2016
Appeal Decision:	<i>Dismissed on 23 January 2017</i>

Summary of Decision

The main issues are: whether the stationing of the caravans would constitute inappropriate development in the Green Belt; the effect of the development on the openness of the Green Belt; the effect of the development on the character and appearance of the Hawkesbury Junction Conservation Area; and if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Para. 87 of the NPPF states that inappropriate development is by definition harmful to the green belt and should not be approved except in very special circumstances. Para. 89 indicates that the construction of new buildings in the green belt is inappropriate. Policy GE6 of the CDP is compatible with this.

The appellant argued that the 2 caravans are needed in association with the gun club, which the council considers to be an outdoor sport and recreation facility. One of the caravans is being used for living accommodation and the other as an office. A caravan is not a building for planning purposes but the development involves a change in the use of the land on which they are sited. The siting of the caravans in this location would amount to inappropriate development within the green belt and the Inspector attached substantial weight to the harm arising due to the inappropriate nature of the development in this location.

The appeal site is located in the north-west corner of the gun club site. Whilst the scale is modest, the siting of the caravans in this location where they did not exist previously reduces the openness of the green belt but only to a limited degree and the Inspector concluded they would have a small degree of harm on the openness of the green belt.

The appeal site is located adjacent to the conservation Area and the caravans would be located in the open gap between the adjacent properties, canal and the open countryside. The Inspector considered the stationing of the caravans including pressure to add other structures, compromises the sense of space and openness in the area and this is exacerbated by the appeal sites prominent position which is visible from a number of public vantage points along the canal. This would result in incongruous and out of keeping additions that would adversely harm the open rural character and appearance and the setting of the conservation area. Whilst the harm is less than substantial the Inspector concludes that the caravans would not preserve or enhance the character and appearance of the conservation area and would conflict with Policies BE2 and BE9 of the CDP.

The Inspector noted the appellant's arguments that the caravans would not harm the visual amenity of the open area due to screening provided by the boundary fencing and vegetation and that the facilities are used by people staying for competitions. It is accepted that there are security benefits from having a day and night presence at the site but overall the evidence does not show that the gun club could not operate without the caravans and limited weight is attached to these matters.

The Inspector concludes that the development would amount to inappropriate development and that substantial weight should be given to any harm to the Green Belt. "Having considered all of the matters raised in support of the development, I conclude that collectively they do not outweigh the totality of the harm I have identified in relation to the Green Belt. Accordingly, very special circumstances do not exist and the development would be contrary to policy GE6 of the CDP and the NPPF.

Site Address:	9 Queen Isabels Avenue
Reference Number:	HH/2016/0962
Description:	Conversion of garage to living accommodation ancillary to the main dwelling and erection of two storey side and rear extension, single storey rear extension and front and side canopies (retrospective)
Decision Level:	Delegated
Decision:	Refusal on 26 August 2016
Appeal Decision:	<i>Allowed on 23 January 2017</i>

Summary of Decision

Planning permission was granted in 2013 for a two storey side extension and rear extensions, a single storey rear extension and an extension to the garage, but the work that has been carried out does not accord with the plans. An enforcement notice was served in 2016 which alleged the unauthorised conversion of the dwelling to two self-contained flats, the unauthorised erection of an independent self-contained dwelling and unauthorised walls, railings and porches/canopies. The scheme is dealt with on the basis of the retention of the existing built development.

The main issues are the effect of the development on: the safety and convenience of users of the public highway, with particular regard to the availability of car parking; and the character and appearance of the host property and the area.

The Council maintain that the conversion of the former garage has resulted in inadequate off-road parking to serve the property and has intensified for demand for parking on nearby streets.

The Inspector notes many residential properties in nearby streets such as Lichfield Road and Galeys Road do not have off-road parking and there was a significant amount of on-road parking. As a result of the development, No.9 no longer has a garage for off-road parking and there is a reduced distance between the building and the pavement, but there is still sufficient area for 1-2 off-road spaces.

Whilst there are undoubtedly parking pressures in the local area, the Inspector was not persuaded that the scheme generates significantly greater demand for parking than the approved scheme and there is no substantive evidence that it has resulted in significant highway safety issues. The Inspector does not consider that the proposals would conflict with Policies AM19 and Am22 of the CDP.

With regard to character and appearance, the SPG sets out in general terms that development, including porches, should be in keeping with the character of the

area. The Inspector observed where there are porches or boundary treatment in the area, there is a variety of styles and form.

The Inspector noted the canopies at No.9 are modest structures compared to the remainder of the dwelling and their open form and monopitch roof limits their mass on the street scene. The canopies are complete and there is no objection to other extensions to the dwelling. With regard to boundary treatment, there is no distinctive quality or theme. The wall at No.9 has a modest height and there are open metal railing which allow views into the site. For these reasons the Inspector considers that the development does not conflict with policies H4 or BE2 of the CDP and accords with the NPPF.

Whilst the Inspector has considered the requirements of the Enforcement Notice, the scheme has been considered on its merits. Concerns have been raised that the property will not be converted back into a single dwelling, but this scheme is not for the creation of independent units of accommodation. The scheme has been considered on the basis of its use as a single dwelling and not as 3 separate unauthorised properties.

The Inspector concludes that “the development has not resulted in significant harm to the safety and convenience of highways users, and respects the character and appearance of the area. With the exception of the canopies, I understand that the extensions to the main dwelling are not significantly different from those in the planning permission. Notwithstanding concerns regarding the appellant’s intention to use the property as more than a single dwelling, I have dealt with the scheme before me on its merits, and on the basis of the submitted evidence, and have found that it does not conflict with the development plan.”

The appeal is allowed with conditions relating to: conformity with approved plans; accommodation within the annexe to be used ancillary to the main property; and parking to the front of the ancillary accommodation shall remain available for use.

Site Address:	5 Armorial Road
Reference Number:	HH/2016/2173
Description:	Erection of two storey side and rear extension including increasing the roof height
Decision Level:	Delegated
Decision:	Refusal on 25 October 2016
Appeal Decision:	<i>Allowed on 2 February 2017</i>

Summary of Decision

The main issue is the effect of the proposed development on the character and appearance of the surrounding area, in particular the street scene.

The appeal property is a two storey detached dwelling situated at the corner of Armorial Road and Leamington Road. The surrounding area is predominantly residential comprising mainly detached dwellings. There is a more open and spacious character on Leamington Road compared to Armorial Road.

The proposed development includes alterations which would result in a detached dwelling with larger footprint and higher roof ridge. The councils SPG includes general guidance but recognises that each site is unique and should be determined on its own merits.

The Inspector notes in this case a side extension less than half the width of the property is proposed and a 2m minimum distance to Armorial Road and extension would be retained. Whilst closer to the footway than dwellings on Armorial Road, the separation distance to No.7 from the retained rear garden would maintain a spacious character for the street scene along this road and would not conflict with the SPG.

The Inspector considers the rear extension would be noticeable from Armorial Road but would not project materially further into the garden than the rear elevations of other adjacent properties fronting Leamington Road. The increased height of the roof would not be taller than other dwellings fronting Leamington Road. The proposed increase in bulk and width would not be of a scale out of character with neighbouring dwellings or a loss of the spacious appearance of the street scene along Leamington Road. The enlarged dwelling would still fit comfortably within its plot and not result in cramped development.

The Inspector concludes that “by reason of massing, siting and design, the appeal scheme would not result in an overly dominant or discordant feature within either street scene. The assimilation of the development into the streetscene along both roads would be assisted by the use of matching materials.....[and] it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, in particular the street scene, and, as such, it would not conflict with Policies H4 and BE2 of the CDP.

Conditions are imposed relating to; time limits for development; conformity with approved plans; and requirement to use matching materials.

Site Address:	177 Wyken Croft
Reference Number:	OUT/2016/1106
Description:	Residential dwelling (access and layout) (revised submission)
Decision Level:	Delegated
Decision:	Refusal on 7 July 2016
Appeal Decision:	<i>Dismissed on 2 February 2017</i>

Summary of Decision

The main issue is the effect of the proposal on the character and appearance of the area.

The proposed dwelling would be attached to the side of No.177, which is in a row of 8 evenly arranged, similarly sized semi-detached houses. No.177 is a corner plot on the junction with Armscott Road and its side garden is open with mature trees which contributes to the pleasant open set-back of the housing around and to the west of the junction which is generally built to a tight grain.

The Inspector notes although the proposed dwelling would be only slightly wider than a two storey side extension already permitted, and a significant grassed area to the side would remain, the scheme would erode the open setting of the housing around this prominent corner site and create a short terrace giving an unbalanced appearance.

The Inspector concludes that the proposal would be visually incongruous and materially harm the open character and satisfyingly coherent appearance of the streetscene within this residential area and the resulting development would be contrary to the aims of Policy BE2 of the CDP. It would also conflict with Policy H4 which requires extensions and alterations to respect the local character of the area and Policy H12 which seeks a high standard of design for new housing, recognising the relationships between buildings and spaces.

Site Address:	12 South Avenue
Reference Number:	FUL/2016/0974
Description:	Removal of existing garage and the erection of new two storey dwelling with associated access and landscaping works
Decision Level:	Delegated
Decision:	Refusal on 31 May 2016
Appeal Decision:	<i>Dismissed on 8 February 2017</i>

Summary of Decision

The main issues are the effect of the proposal on the character and appearance of the Stoke Green Conservation Area including the trees within it, and the effect of the proposal on protected species.

Stoke Park is mostly large detached houses on spacious plots including the appeal site, with a large proportion dating from the 19th Century, but with a number from different periods including a modern 20th Century house at No.10. The design of the dwelling would be of a scale and height not uncommon in the area and the Inspector did not consider the design would make the house appear incongruous.

The dwelling would be built in the side garden which is large and lends a degree of spaciousness. This spaciousness whilst not particularly noticeable in the South Avenue street scene, is conspicuous from Binley Road. This part of Binley Road is characterised by the openness of the verges alongside the road and the large gardens of the properties in South Avenue and only sporadically interrupted by a few dwellings that address Binley Road. The Inspector recognised that both the retained and proposed dwelling would have reasonably large plots but still considered that the development would diminish the undeveloped and open character of the Binley Road street scene.

The proposal would also involve removal of almost all the trees on the boundary with No.16. These are not visible from South Avenue but are prominent in the Binley Road street scene and the Inspector considered they make an important verdant contribution to its character and appearance. The tree survey submitted

with the application categorised these trees as high quality for their landscape value and the Inspector states that “the loss of these trees would have a significantly adverse effect on the character and appearance of the street scene and would add to the harm to the Stoke Green Conservation Area resulting from the proposal.”

The Inspector considered that as a result of the loss of openness and the loss of the mature trees, the development would fail to preserve or enhance the character and appearance of the Conservation Area and consequently would not accord with Policies BE2, H9, BE9, GE14 and GE15 of the CDP and would be contrary to the advice in the NPPF.

However, his view was that the harm to the significance of the Conservation Area would be less than substantial and consideration should be given to any public benefits of the proposal. He considered that the benefits would be limited from replacement of the garage and the limited addition to the housing supply and concluded that these benefits would not outweigh the harm to the character and appearance of the Conservation Area.

Site Address:	69-71 Hearsall Lane
Reference Number:	FUL/2016/1859
Description:	Rebuild of existing commercial building to form 5 number student flats with 28 bedrooms for up to 32 occupiers
Decision Level:	Delegated
Decision:	Refusal on 3 October 2016
Appeal Decision:	<i>Allowed on 17 February 2017</i>

Summary of Decision

The main issues are whether acceptable living conditions would be provided for future occupiers with particular regard to outlook and the effect of the proposal on the character and appearance of the area.

The block of student flats would replace a commercial building and maintain the terraced nature of the street. Housing to the rear is at a higher level so the proposal includes a 5m high retaining wall along the rear boundary some 4m from the rear windows. In the Inspectors view the SPG standards are more appropriate to suburban housing layouts than student flats. A communal area would be provided with the retaining wall planted as a living surface and in view of the southerly aspect the Inspector concluded the sunlight and daylight the open space would provide coupled with the view of greenery on the wall would offer acceptable living conditions for future occupiers and would comply with Policy H9 of the CDP.

With regard to character and appearance, the proposal maintains the building line and terraced form of adjacent buildings and provides a stepped reduction in roof height providing a transition between the existing 3-storey flats and 2-storey housing on either side of the appeal site. The Inspector did not consider that the lowered eaves level and drop in roof height would appear awkward or unbalanced and considered that the bays and doors on the front elevation would fit acceptably

with the adjacent terrace. The Inspector concluded that the design, scale and massing of the scheme would enhance the townscape and provide a high standard of design appropriate to the street scene and in accordance with Policies H9, H12 and BE2 of the CDP.

Conditions are imposed relating to; time limits for development, drawing numbers, requirement for obscure glazing of certain windows, provision of cycle parking, no occupation until the planted wall is provided, requirement for site investigation and for sound attenuation measures to be provided.

Site Address:	Malcolms Stores 73 Elm Tree Avenue
Reference Number:	FUL/2016/0268
Description:	Installation of an ATM (retrospective application)
Decision Level:	Delegated
Decision:	Refusal on 25 May 2016
Appeal Decision:	<i>Allowed on 1 March 2017</i>

Summary of Decision

The main issue is the effect of the development on the character and appearance of the area with particular reference to the street scene.

The ATM is within a secure retaining structure painted white, near the boundary between the forecourt of the local convenience store and the adjacent semi-detached dwelling, also adjacent to an 'Amazon' box and small evergreen tree.

The Inspector considers that from most vantage points the ATM looks to be a logical and not unsightly addition to the street scene, but viewed from Elm Tree Avenue the stark white rear elevations are more incongruously conspicuous than is aesthetically acceptable at the boundary between the residential part of the street and the more commercial area at the cross roads. He considers that the visual intrusion is exacerbated by the low maintenance approach to the front garden of No.71 and the lack of obvious and comprehensive physical distinction.

The applicant confirmed that the adjacent tree is in their control and volunteered additional landscaping to soften the impact of the ATM housing.

The Inspector concluded that in the absence of such a scheme he would concur with the Council's view that there would be harmful conflict with Policy BE2 of the CDP, but the appellant's assurances that a scheme to screen the western and northern elevations could be secured by a condition which would be enforceable. The Inspector allowed the appeal conditional upon the submission and approval of a scheme which would secure the retention of the existing tree as he considered that this would contribute importantly to achieving the necessary mitigation of the otherwise harmful and incongruous appearance of the ATM housing.

Site Address:	Clay Lane Farm Clay Lane
Reference Number:	LDC/2016/0824
Description:	Lawful development certificate for the use of building as an agricultural barn
Decision Level:	Delegated
Decision:	Refusal on 3 March 2016
Appeal Decision:	<i>Dismissed on 6 March 2017</i>

Summary of Decision

The appeal relates to a pitched roof building at the road frontage end of a group of agricultural buildings at Clay Lane Farm. It has an unusual history; a 2 storey building erected in the same position as the current building was the subject of enforcement action and a subsequent failed appeal in 2003. The building was demolished but the requirement to remove the materials was not met with the intact roof having been left on site as reported in the council's appeals' monitor. New walls were erected and the old roof fitted on top and the appellant argued that the building had been in agricultural use since 2006.

The Inspector was not persuaded that the building had gained a lawful use and concluded that the appeal building had most likely been erected in an unfinished form between 2013 and 2015. He agreed with the Council's suggestion that the 2001 to 2013 aerial photographs showed the 2003 appeal buildings roof placed on the ground and not on the top of the present appeal building or the rotation of the position of the roof could not be explained. Planning permission had been granted in 2006 for the erection of a hay store and calving pens but pre-commencement conditions had not been discharged and in the Inspector's view there was therefore, no permission.

It was not shown that on the balance of probability the agricultural use of the appeal building had started more than 10 years before the date of the application and the Inspector noted that as well as his serious doubts as to whether the structure was lawful, Council Officers who had visited the site in 2015 and 2016 had noted that the building was being used for the storage of building materials and not for agricultural purposes. The Inspector concluded that there was scant evidence to show that the Council's refusal to issue a certificate of lawful development was unsound.

Site Address:	244 Birmingham Road
Reference Number:	FUL/2016/0357
Description:	Change of use to mixed use of vehicle repair garage / car sales and storage (retrospective)
Decision Level:	Delegated
Decision:	Refusal on 28 April 2016
Appeal Decision:	<i>Dismissed on 15 March 2017</i>

Summary of Decision

The main issues are the effect of the proposal on highway safety and on the living conditions of adjoining occupants with particular reference to disturbance.

The appeal site is a vehicle repair and recovery garage located in a predominantly residential area. The site entrance is opposite the junction of Birmingham Road with Bexfield Close and to the immediate south is a doctor's surgery and bus stops.

The Inspector observed that this section of Birmingham Road is busy and that vehicles tend to park partly on the pavement close to the site. The Council referred to a dismissed appeal from 1996 which sought permission for use of part of the site for motor vehicle sale and display where the Inspector identified harm to highway safety. The current Inspector recognised that there had been no significant changes to the area since the previous appeal. It was put to the Inspector that the scale of the business had reduced since the 1996 appeal and the appellant offered to cease use of the breakdown and recovery aspect of the business and was willing to accept a condition limiting the amount of vehicles stored for sale at the site, but the Inspector was not satisfied that this could be realistically restricted.

The Inspector considered that the size limitation of the site and lack of mechanism to restrict use would increase dependency on the surrounding highway network for overflow parking and the concerns expressed by the previous Inspector remained valid despite the fact that the highway authority raised no objection and concluded that the proposal would have a harmful effect on highway safety, contrary to Policy AM22 of the CDP.

With regard to impact on living conditions, residential frontages run parallel to Birmingham Road and commonly contain windows serving habitable rooms. The Inspector was of the opinion that the number of vehicles parking on street would be likely to increase and in the absence of mechanisms to control the intensity of activity at the site and the limited road restrictions in the immediate vicinity, the proposal could result in further levels of disturbance to neighbouring occupiers. The Inspector concluded that the proposals would have a harmful effect on the living conditions of adjoining neighbouring occupants with particular reference to disturbance and would be contrary to Policy OS6 of the CDP and the NPPF.

Site Address:	28 Stivichall Croft
Reference Number:	OUT/2016/2127
Description:	Outline application including access with all other matters reserved for the demolition of No.28 Stivichall Croft and development of 4 No. 2.5 storey houses
Decision Level:	Delegated
Decision:	Refusal on 17 October 2016
Appeal Decision:	<i>Dismissed on 16 March 2017</i>

Summary of Decision

The main issue is the effect of the proposed development on the character and appearance of the area, including its effect upon protected trees.

The site is in a residential area with large, primarily detached properties with hipped roofs on both sides of the road. Houses are set back within reasonably large plots and substantial areas of mature landscaping add to the character of the area.

The Inspector notes that No.28 is a little different, being a large house set back substantially within its plot which is considerably larger than those surrounding. The building line is replicated by No.26 and No.24 and when viewed together the Inspector considers that the considerable landscaping to their frontages provide a break to the rhythm of the street scene which adds to the spacious and peaceful character of the area.

A recent TPO has been imposed on two of the trees within the site. The proposal seeks to demolish No.28 and construct 4 x 2.5 storey properties within the site with an indicative layout showing 2 properties following the building line set by 38-28a at the front and 2 properties following the building line of 28b-24 at the rear. Such a proposal would involve removing much of the boundary wall along with a proportion of the mature landscaping and in the Inspector's view this would reduce the positive effect that the lengthy current wall has on the character of the area and the replacement planting would take time to establish.

Although scale is a reserved matter, the description refers to 2.5 storey houses and in the Inspector's view, this would appear out of place within the area which is characterised by 2 storey houses. The plot sizes of 2&3 in the indicative layout were considered by the Inspector to have potentially smaller areas more indicative to No.28b, but he considered this to be something of an anomaly in the area.

The root protection area of the protected trees would potentially limit the areas of the site where development can take place. The appellant argued that these trees could be moved and repositioned and the Inspector did not doubt that this could potentially be achieved, but considered that this issue would lead to further pressure on the land within the site available for development purposes.

The Inspector concluded that the proposed quantum of development for the site would appear cramped and wedged in and consequently out of character with the surrounding spacious area and whilst the development could be sited to avoid any adverse effect on the protected trees, this would increase the harm that the proposal would have on the character of the area, contrary to Policies BE2 and H12 of the CDP.

Site Address:	79 Baginton Road
Reference Number:	HH/2016/2188
Description:	Erection of rear and side single storey and porch extension
Decision Level:	Delegated
Decision:	Refusal on 7 November 2016
Appeal Decision:	<i>Allowed on 21 March 2017</i>

Summary of Decision

The Inspector notes that the reason for refusal refers only to the rear extension and concentrates on this aspect only and that the main issue in the determination of the

appeal is the effect of the proposed rear extension on the living conditions of 81 Baginton Road.

The Inspector refers to the SPG which sets out that a single storey rear extension should not exceed 3.3m or impinge on an imaginary 45 degree sightline from the middle of the neighbours, whichever is the greatest depth. She notes that the extension would be greater than 3.3m in depth but the 45 degree line from the window at no.81 clips only the very outer extremity of the extension corner.

The Inspector considers this minor infringement would have a negligible impact on living conditions in view of the orientation and flat roofed design which would not be oppressively high. She concludes that the scheme would not have a serious effect on the living conditions of No.81 and that the problems of un-neighbourliness that the SPG seeks to avoid would not occur in the circumstances of this case, it is difficult to justify precise compliance with the 45 degree limit and that the terms of Policies H4 and BE2 of the CDP would be met.

Site Address:	128 Broad Street
Reference Number:	FUL/2016/0558
Description:	Change of use to car sales and the installation of cabin
Decision Level:	Delegated
Decision:	Refusal on 21 April 2016
Appeal Decision:	<i>Dismissed on 21 March 2017</i>

Summary of Decision

The main issues are the effect of the proposal on the character and appearance of the surrounding area and the living conditions of surrounding occupants with reference to noise disturbance.

The site is an overgrown area of land surrounded by residential use to the north and south and Foleshill library to the east, which is a locally listed building. The Inspector noted the commercial use and appearance of the area to the south west of the site but considered a built up and ordered character prevailed in the immediate vicinity of the site.

The Inspector agreed that the sites overgrown state detracts from the character of the area, but did not consider this factor to be sufficient justification for a poorly designed scheme that would introduce a large area of hardstanding, expanse of vehicles and a temporary cabin to a site with a roadside frontage. He considered that the proposal would appear incongruous when viewed next to adjacent buildings and would harm the built up and ordered character of the sites immediate surroundings, concluding that the proposal would have a harmful effect on the character and appearance of the surrounding area contrary to Policy BE2 of the CDP.

Looking at living conditions, the Inspector noted that residential use to the south comprised a number of terraced properties at Trafalgar Mews, which unlike properties in the wider area are set away from nearby main roads such as Broad Street. On his site visit he noted that Broad Street is a busy road generating

vehicular noise but nonetheless considered the proposal could add to existing noise levels, particularly impacting on those residents in Trafalgar Mews that enjoy a comparatively quieter environment.

In the absence of a noise survey, there was an objection to the proposals from Environmental Protection. In the Inspector's view this was a matter which in the absence of evidence to the contrary could effect whether the principle of the proposed use is acceptable and on the basis of the evidence before him he could not rule out the possibility that the proposal would be harmful to the living conditions of surrounding occupants contrary to Policy EM5 of the CDP.

Benefits were put forward in support of the appeal, including the support of employment and the efficient use of the land but the Inspector did not consider that the modest benefits of these would outweigh the harm identified.

Site Address:	114 Hawkesmill Lane
Reference Number:	FUL/2016/2122
Description:	Demolition of existing garage and stores and erection of new dwelling with associated curtilage and parking area
Decision Level:	Delegated
Decision:	Refusal on 25 October 2016
Appeal Decision:	<i>Dismissed on 23 March 2017</i>

Summary of Decision

The main issues are the effect of the proposal on the character of the area and the effect on the living conditions of the occupiers of No.130 Hawkesmill Lane, with particular regard to daylight and outlook.

The site lies on Hawkesmill Lane where residential development lies on both sides of the road, typically with 2 storey semi-detached dwellings on the southern side of the street and bungalows on the northern side, with a fairly rigid building line on both sides.

The Inspector notes that the appeal site lies towards the junction with Browns Lane where the character of the northern side is a little different with some two storey dwellings within the block, but nevertheless the spacing between the properties remains generous.

The proposal would demolish a flat roofed garage building to the side of No.114 and construct a 2 storey dwelling with gabled frontage. The site lies between No.130 (a large dormer bungalow) and No.112 (a substantial 2 storey property). The Inspector considers that the site together with No.114 (a pyramidal roofed bungalow) allows views above the structures that contribute to the spacious feel of the area. He notes that No.114 has consent for alterations to its roof line and the proposed new dwelling would follow this roof line pattern with a front gable ridge on a similar line to that consented at No.114 and that due to the consistency in the heights, the roof line of the proposal would not appear out of place in the street scene.

However, he concludes that when combined with the proximity of the proposal to No.130 and No.114, the massing and overall size of the proposal would appear cramped in to the street scene and that the development would remove an area within the street scene that by virtue of its current low key single flat roof nature contributes to the spacious character of the area and replacing it with a two storey building would substantially and adversely harm the character of the area, contrary to Policies BE2 and H12 of the CDP.

Looking at the impact on the living conditions of neighbours, the Inspector notes that there are 3 windows in the side of No130 and it is not clear from the evidence what rooms these serve. None of them are obscure glazed and set at quite a high level. One serves a lounge which has a large bay window to the front and two serve a bedroom which has large bi-fold doors that open into a sun room at the rear. The two side windows that serve this room would be some 5.7m from the closest elevation of the proposal and the Inspector concludes that given the size, location and other factors, such as existing landscaping and the particular details of the rooms which the windows serve, the proposal would not have a significant adverse effect on the living conditions of the residents of No.130 with regard to daylight and outlook.

PLANNING APPEAL PROGRESS REPORT – SUMMARY TABLE

CURRENT APPEALS LODGED

Application Reference & Site Address	Case Officer	Type	Appellant	Proposal	Progress & Dates
FUL/2016/0822 <i>Land at Grange Farm off Grange Road</i>	<i>Nigel Smith</i>	Public Inquiry	Westleigh Partnerships Ltd	Demolition of farm outbuildings and construction of 107 dwellings and associated access road and creation of pedestrian / cycle link to the canal towpath	Lodged date: 01/06/2016 Start date: 18/08/2016 Questionnaire: 01/09/2016 Statement sent: 10/01/2017 Proof of Evidence: 14/02/2017 Public Inquiry: 14/03/2017 - 17/03/2017
S73/2016/0411 <i>Land at Beake Avenue</i>	<i>Nigel Smith</i>	Written Representations	Mr Birchley Taylor Wimpey (Midlands) Limited	Removal of condition 16 subsections (ii) and (iii) - relating to noise mitigation measures - imposed upon planning permission OUT/2013/0012 for residential development	Lodged date: 29/06/2016 Start date: 13/02/2017 Questionnaire: 16/02/2017 Statement sent: 20/03/2017
S73/2016/1612 <i>98 Moseley Avenue</i>	<i>Nigel Smith</i>	Written Representations	Mr Rahal	Variation of condition 2 - to amend opening hours to 0900 - 0200 hours everyday - imposed upon permission FUL/2014/3794 for change of use to hot food takeaway	Lodged date: 25/08/2016 Start date: 24/03/2017 Questionnaire/Statement: 28/03/2017
FUL/2016/2086 <i>38 Upper Precinct</i>	<i>Rebecca Grant</i>	Written Representations	Mrs Mather JD Plc	New shopfront glazing/entrance.	Lodged date: 05/11/2016 Start date: 17/02/2017 Questionnaire/Statement: 21/02/2017
HH/2016/1205 <i>24 Fairlands Park</i>	<i>Robert Penlington</i>	Written Representations	Mr & Mrs SINGH SAPRA	Single storey rear extension.	Lodged date: 15/11/2016 Awaiting start date
HH/2016/1498 <i>43 Cornelius Street</i> AND APPEAL AGAINST ENFORCEMENT NOTICE	<i>Shamim Chowdhury</i>	Written Representations	Mr Fallahkohan	Provision of car park platform at the front (retrospective application)	Lodged date: 07/12/2016 Start date: 09/03/2017 Questionnaire: 07/04/2017

FUL/2016/1206 577 Foleshill Road	<i>Nigel Smith</i>	Written Representations	Mr Iftikhar	Erection of side extension (external covered sales area)	Lodged date: 13/12/2016 Start date: 23/02/2017 Questionnaire/Statement: 27/02/2017
FUL/2016/1533 54 Shilton Lane	<i>Nigel Smith</i>	Written Representations	Mr Thompson	Demolition of existing cattery and outbuildings with erection of 14 serviced assisted living units with associated parking and landscaped grounds together with change of use of existing dwelling to administrative and communal accommodation.	Lodged date: 23/12/2016 Start date: 09/02/2017 Questionnaire/Statement: 15/02/2017
FUL/2016/2635 6 The Firs	<i>Shamim Chowdhury</i>	Written Representations	Mr Beverley	Demolition of an existing dwelling and erection of two new dwellings	Lodged date: 05/01/2017 Start date: 23/02/2017 Questionnaire/Statement: 02/03/2017
FUL/2016/2273 41 Holmfield Road	<i>Shamim Chowdhury</i>	Written Representations	Mr Singh	Erection of a bungalow	Lodged date: 08/01/2017 Start date: 03/04/2017 Questionnaire/Statement: 11/04/2017
FUL/2016/1564 83 Mercer Avenue	<i>Anne Lynch</i>	Written Representations	Mr Ahmed	Change of Use from car storage to tyre replacement and car repair unit (B2) (retrospective).	Lodged date: 12/01/2017 Awaiting start date
FUL/2016/2733 Land off Wood Hill Rise COSTS APPLIED FOR	<i>Nigel Smith</i>	Written Representations	Mr Hughes Diamond Construction Ltd	Erection of three dwellings with associated car parking	Lodged date: 13/01/2017 Start date: 13/02/2017 Questionnaire: 16/02/2017 Statement sent: 20/03/2017
FUL/2016/2579 400 Swan Lane	<i>Liam D'Onofrio</i>	Written Representations	Mr Borsellino	Erection of a chalet bungalow.	Lodged date: 31/01/2017 Start date: 24/03/2017 Questionnaire/Statement: 31/03/2017
FUL/2016/2385 Spiritualist Church of Christ Villiers Street	<i>Nigel Smith</i>	Written Representations	Mr Maheat	Erection of 18 studio apartments and associated vehicle and cycle parking.	Lodged date: 03/02/2017 Start date: 23/03/2017 Questionnaire: 28/03/2017

HH/2016/2638 101 Marlborough Road	<i>Alan Lynch</i>	Written Representations	Mr Singh Hayre	Erection of rear extension and alterations	Lodged date: 03/02/2017 Start date: 09/03/2017 Questionnaire/Statement: 14/03/2017
FUL/2015/4326 18 Treedale Close	<i>Andrew Cornfoot</i>	Written Representations	Mr Kemp	Change of use of part of ancient woodland to domestic garden	Lodged date: 08/02/2017 Start date: 03/04/2017 Questionnaire/Statement: 13/04/2017
FUL/2016/3011 577 Foleshill Road	<i>Nigel Smith</i>	Written Representations	Mr Iftikhar	Erection of front extension to form covered external sales area	Lodged date: 09/02/2017 Start date: 06/03/2017 Questionnaire: 10/03/2017
TP/2016/2499 12 Beaumaris Close	<i>Robert Penlington</i>	Written Representations	Mrs Lawson	Ash (T58) - 15% canopy thin and cut back from property by 4m.	Lodged date: 09/02/2017 Start date: 09/02/2017 NO FURTHER ACTION TAKEN
FUL/2016/1711 5 Davenport Road	<i>Kurt Russell</i>	Written Representations	Mrs Groves	Proposed extension to detached garage and change of use to create 2 bedroom house.	Lodged date: 03/03/2017 Awaiting start date
HH/2016/2780 3 Castle Close	<i>Alan Lynch</i>	Written Representations	Mr Uddin	Erection of two storey rear and single storey front extensions	Lodged date: 08/03/2017 Start date: 13/04/2017 Questionnaire: 19/04/2017
HH/2016/2828 69 Palmerston Road	<i>Pavan Flora-Choda</i>	Written Representations	James	Erection of proposed side extension	Lodged date: 12/03/2017 Start date: 13/04/2017

HH/2016/3135 11 Ireton Close	<i>Shamim Chowdhury</i>	Written Representations	Mr Jump	Erection of garage / store at the front	Lodged date: 13/03/2017 Awaiting start date
FUL/2016/1723 West Orchard House 28-34 Corporation Street	<i>Anne Lynch</i>	Written Representations	Mr Li	Change of use and sub-division of premises from a retail unit (Use Class A1) on the ground floor with offices (Use Class B1) on the upper floors to a mixed use comprising 5 units (Use Classes A1, A2 and A3), office unit (Use Class B1) and gym area (student use only) on the ground floor and student accommodation to the upper floors comprising 62 self-contained flats/cluster flats providing 91 bedrooms. Extension of lift motor room, external alterations including new cladding and glazing to all elevations.	Lodged date: 27/03/2017 Awaiting start date
FUL/2016/3131 Compton Court Compton Road	<i>Liam D'Onofrio</i>	Written Representations	Mr Dosanjh	Extensions/alterations to create an additional 2 x bedsits on the first floor, 2 x bedsits on the second floor and roof alterations to create third floor including roof lights in connection with proposal to create 2 x bedsits and 2 x cluster flats, each with eight bedrooms and shared communal living space. Erection of external fire escape staircase to rear and side elevation.	Lodged date: 29/03/2017 Awaiting start date

APPEAL DECISIONS RECEIVED

Application Reference Site Address	Case Officer	Type	Appellant	Proposal	Appeal Decision & date
FUL/2015/0221 370 Foleshill Road	<i>Nigel Smith</i>	Written Representations	Mr Dhaliwal	Extensions to provide 8 self-contained flats and additional storage area in connection with retail unit	Decision : DISMISSED 08/02/2016 decision type: <i>Delegated</i>
FUL/2015/2246 8 Bates Road	<i>Kurt Russell</i>	Written Representations	Mr Smith	Erection of two semi detached dwellings.	Decision : DISMISSED 22/02/2016 decision type: <i>Delegated</i>
FUL/2015/2735 3 Radcliffe Road	<i>Shamim Chowdhury</i>	Written Representations	Mr Geraghty	Change of use from dwelling house to a house in multiple occupation	Decision : DISMISSED 26/02/2016 decision type: <i>Delegated</i>
HH/2015/3097 41 Leven Way	Michelle Hill	Written Representations	Mr Feechan	Erection of a fence (Retrospective)	Decision : DISMISSED 07/03/2016 decision type: <i>Delegated</i>
FUL/2015/2200 8 Station Avenue	<i>Anne Lynch</i>	Written Representations	Ms Zurawska	Change of use from retail (A1) to mixed use as cafe and hot food takeaway (A3 and A5) (retrospective)	Decision : DISMISSED 09/05/2016 decision type: <i>Planning Committee</i>
FUL/2015/3277 Clarendon House Birmingham Road	<i>Anne Lynch</i>	Written Representations	Green Tree Enterprises Limited	Erection of extension to existing nursing home	Decision : DISMISSED 09/06/2016 decision type: <i>Delegated</i>
HH/2015/4184 3 Thornton Close	<i>Shamim Chowdhury</i>	Written Representations	Mr Kerby	Erection of two storey side extension, single storey side and rear extension and a front porch.	Decision : DISMISSED 15/06/2016 decision type: <i>Delegated</i>

HH/2015/3431 21 Highgrove	<i>Shamim Chowdhury</i>	Written Representations	Mr Nagra	First floor extension together with two dormers above garage	Decision : ALLOWED 20/06/2016 decision type: <i>Delegated</i>
OUT/2015/2742 Land adjacent to Pickford Green Lane	<i>Shamim Chowdhury</i>	Written Representations	Mr Faulconbridge	Outline application for residential development of 4 bungalows with access off Pickford Green Lane (discharging details of access and layout, with appearance, scale and landscaping reserved).	Decision : DISMISSED 18/07/2016 decision type: <i>Delegated</i>
HH/2015/3649 Red Lodge Tamworth Road	<i>Shamim Chowdhury</i>	Written Representations	Mr Dell	Erection of a detached garage in front garden	Decision : DISMISSED 28/07/2016 decision type: <i>Delegated</i>
FUL/2015/1552 1-3 Cameron Close	<i>Shamim Chowdhury</i>	Written Representations	Mr Walker	Erection of a pair of semi-detached house and a detached garage for No.3 Cameron Close	Decision : DISMISSED 29/07/2016 decision type: <i>Delegated</i>
FUL/2015/3558 16 Westminster Road	<i>Andrew Cornfoot</i>	Written Representations	Mr Sangha	Erection of single storey rear extension to create additional self-contained flat	Decision : DISMISSED 02/08/2016 decision type: <i>Delegated</i>
FUL/2015/4262 400 Swan Lane	<i>Anne Lynch</i>	Written Representations	Mr Borsellino	New Dwelling In Rear Garden.	Decision : DISMISSED 12/08/2016 decision type: <i>Delegated</i>
HH/2016/0802 Green Acre Ted Pitts Lane	<i>Andrew Cornfoot</i>	Written Representations	Mr & Mrs Willson	Erection of two storey extension and new double garage	Decision : DISMISSED 15/08/2016 decision type: <i>Delegated</i>

FUL/2015/3420 36 Cannon Hill Road	<i>Kurt Russell</i>	Written Representations	Mr Johal	Change of use from single dwelling (Use Class C3) to a house in multiple occupation for 8 occupants (Sui Generis) with conversion and forward extension of the existing garage (retrospective).	Decision : ALLOWED 19/09/2016 decision type: <i>Planning Committee</i>
FUL/2016/0680 6 The Firs	<i>Nigel Smith</i>	Written Representations	Mr Beverley	Erection of 2 detached 4 bedroom houses and provision of 4 car parking spaces	Decision : DISMISSED 07/10/2016 decision type: <i>Delegated</i>
FUL/2015/3752 Land off Wood Hill Rise	<i>Nigel Smith</i>	Written Representations	Mr Hughes	Erection of four dwellings with associated parking	Decision : ALLOWED 11/10/2016 decision type: <i>Delegated</i>
FUL/2015/3843 Brownhill Green United Reform Church Hawkes Mill Lane	<i>Anne Lynch</i>	Written Representations	Mr Holcroft	Erection of detached dwelling.	Decision : DISMISSED 11/10/2016 decision type: <i>Delegated</i>
FUL/2015/4339 12 Brill Close	<i>Kurt Russell</i>	Written Representations	Ms Zhang	Change of use to house in multiple occupation for 8 occupants and erection of a two storey side extension.	Decision : DISMISSED 11/10/2016 decision type: <i>Planning Committee</i>
HH/2016/1207 199 Scots Lane	<i>Shamim Chowdhury</i>	Written Representations	Mr Smith	Erection of single storey side extension	Decision : DISMISSED 11/10/2016 decision type: <i>Delegated</i>
LB/2015/4119 12 Spon Street	<i>Andrew Cornfoot</i>	Written Representations	Mr Hammon	Installation of new mechanical ventilation duct protruding through the pitched roof to the rear wing and installation of fresh air vents through existing ground floor boarded windows to side elevation	Decision : ALLOW/PART 21/10/2016 decision type: <i>Planning Committee</i>

FUL/2015/2850 30 Cromwell Street	<i>Nigel Smith</i>	Informal Hearing	Panchal Welcome Banqueting Suite	Change of use to banqueting and conference facility / function rooms (retrospective) and external alterations	Decision : DISMISSED 04/11/2016 decision type: <i>Planning Committee</i>
FUL/2016/0205 144 Lockhurst Lane	<i>Nigel Smith</i>	Written Representations	Mr Gunaszelan	Change of use to shop including off license (Use Class A1) (retrospective)	Decision : DISMISSED 04/11/2016 decision type: <i>Delegated</i>
TP/2016/1892 11 Calder Close	<i>Robert Penlington</i>	Written Representations	Settle	Norway Maple (T1) - 20% crown thin, 7m crown lift, trim back outer crown towards dwellings to provide 3m clearance.	Decision : DISMISSED 22/11/2016 decision type: <i>Delegated</i>
FUL/2015/4322 Land adjacent to 47 Ribble Road	<i>Anne Lynch</i>	Written Representations	Mr Shah	Erection of 2.5 storey residential development comprising of 10 two bedroom flats and 3 one bedroom studios	Decision : DISMISSED 06/12/2016 decision type: <i>Delegated</i>
HH/2016/1998 36 Morris Avenue	Alan Lynch	Written Representations	Mr Sinnathambi	Erection of a two storey side extension and side boundary wall.	Decision : DISMISSED 12/12/2016 decision type: <i>Delegated</i>
HH/2016/1653 105 Momus Boulevard	<i>Andrew Cornfoot</i>	Written Representations	Mr O'Brien	Erection of a single storey side / rear extension	Decision : DISMISSED 04/01/2017 decision type: <i>Delegated</i>
HH/2016/1921 95 Kenilworth Road	Alan Lynch	Written Representations	Johal	Erection of double garage	Decision : ALLOWED 05/01/2017 decision type: <i>Delegated</i>
FUL/2016/0743 Greyhound Gun Club Sutton Stop	<i>Andrew Cornfoot</i>	Written Representations	Mr Simpson	Retention of 2 caravans associated with Greyhound Gun Club	Decision : DISMISSED 23/01/2017 decision type: <i>Delegated</i>

HH/2016/0962 9 Queen Isabels Avenue	<i>Andrew Cornfoot</i>	Written Representations	Mr Dawod	Conversion of garage to living accommodation ancillary to the main dwelling and erection of two storey side and rear extension, single storey rear extension and front and side canopies (retrospective)	Decision : ALLOWED 23/01/2017 decision type: <i>Delegated</i>
HH/2016/2173 5 Armorial Road	<i>Shamim Chowdhury</i>	Written Representations	Mr Cullinane	Erection of two storey side and rear extension including increasing the roof height	Decision : ALLOWED 02/02/2017 decision type: <i>Delegated</i>
OUT/2016/1106 177 Wyken Croft	<i>Anne Lynch</i>	Written Representations	Mr Sandhu	Residential dwelling (Outline application seeking approval of access and layout) (Revised Submission).	Decision : DISMISSED 02/02/2017 decision type: <i>Delegated</i>
FUL/2016/0974 12 South Avenue	<i>Andrew Cornfoot</i>	Written Representations	Mr & Mrs McFadden	Removal of existing garage and the erection of new two storey dwelling with associated access and landscaping works	Decision : DISMISSED 08/02/2017 decision type: <i>Delegated</i>
FUL/2016/1859 69-71 Hearsall Lane	<i>Anne Lynch</i>	Written Representations	Mrs Wells	Rebuild of existing commercial building to form 5 number student flats with 28 bedrooms for up to 32 occupiers	Decision : ALLOWED 17/02/2017 decision type: <i>Delegated</i>
FUL/2016/0268 73 Malcolms Stores Elm Tree Avenue	<i>Shamim Chowdhury</i>	Written Representations	Ms Clark	Installation of an ATM (retrospective application)	Decision : ALLOWED 01/03/2017 decision type: <i>Delegated</i>
LDC/2016/0824 Clay Lane Farm Clay Lane	<i>Anne Lynch</i>	Written Representations	Mr O'Donnell	Lawful development certificate for the use of building as an agricultural barn	Decision : DISMISSED 06/03/2017 decision type: <i>Delegated</i>
FUL/2016/0357 244 Birmingham Road	<i>Nigel Smith</i>	Written Representations	Mr Horn	Change of use to mixed use of vehicle repair garage / car sales and storage (retrospective)	Decision : DISMISSED 15/03/2017 decision type: <i>Delegated</i>

TP/2016/1322 33 Beechwood Avenue	<i>Robert Penlington</i>	Written Representations	Mr Mander	Oak trees (T1 & T2) - shorten back overhanging branches by approx 2m over drive boundary, to a maximum of approx 45ft high from the floor.	Decision : DISMISSED 15/03/2017 decision type: <i>Delegated</i>
OUT/2016/2127 28 Stivichall Croft	<i>Anne Lynch</i>	Written Representations	Mr Cassidy	Outline application including access with all other matter reserved for the demolition of No. 28 Stivichall Croft and development of 4 No. 2.5 storey houses.	Decision : DISMISSED 16/03/2017 decision type: <i>Delegated</i>
FUL/2016/0558 128 Broad Street	<i>Nigel Smith</i>	Written Representations	Mr Masih	Change of use to car sales and the installation of cabin	Decision : DISMISSED 21/03/2017 decision type: <i>Delegated</i>
HH/2016/2188 79 Baginton Road	<i>Shamim Chowdhury</i>	Written Representations	Mr Manku	Erection of rear and side single storey and porch extension	Decision : ALLOWED 21/03/2017 decision type: <i>Delegated</i>
FUL/2016/2122 114 Hawkes Mill Lane	<i>Anne Lynch</i>	Written Representations	Mr Clarke	Demolition of existing garage and stores and erection of new dwelling with associated curtilage and parking area	Decision : DISMISSED 23/03/2017 decision type: <i>Delegated</i>

ENFORCEMENT APPEAL DECISIONS RECEIVED

Ref. and site address	Case Officer	Type	Appellant	Works	Decision and date
ENF/2015/00060 215 Aldermans Green Road	Marcus Fothergill	WR	Mark Gascoigne	Erection of a close boarded fence	Enforcement notice upheld 25/04/2016
ENF/2015/00057 Land at 137 Grangemouth Road	Marcus Fothergill	WR	Mr Hamza Islam	Single storey rear extension	Enforcement notice quashed and planning permission granted 31/08/2016
ENF/2015/00058 140 Leamington Road	Marcus Fothergill	WR	Varinder Kullar	Single storey rear extension	Enforcement notice upheld with variation 01/09/2016

Note: WR – Written Representations

IH – Informal Hearing

PI – Public Inquiry

HAS – Householder Appeals Service