

APPEAL PROGRESS REPORT

PURPOSE OF THE REPORT

The purpose of this report is to inform Members of appeals lodged and determined in the period 1st June 2018 to 31st August 2018.

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 1 JUNE TO 31 AUGUST 2018

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| No. APPEALS PENDING | 24 |
| No. APPEAL DECISIONS RECEIVED | 14 |
| No. ENFORCEMENT APPEALS LODGED | 0 |
| No. ENFORCEMENT APPEAL DECISIONS RECEIVED | 0 |
| No. OFFICER DECISIONS ALLOWED | 6 |
| No. MEMBER DECISIONS ALLOWED | 0 |

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|-------------------|---|
| Site Address: | 33 Walsgrave Road |
| Reference Number: | FUL/2017/1589 |
| Description: | Attic extension to existing first floor apartment including rear dormer windows |
| Decision Level: | Delegated |
| Decision: | Refusal on 22/08/2017 |
| Appeal Decision: | <i>Dismissed on 08/06/2018</i> |

Summary of Decision

The Inspector notes that the new Local Plan has been adopted since the application was refused. The main issue is the effect of the proposal on the character and appearance of the dwelling and the area.

The appeal property is within a row of two storey terraced properties which the Inspector considers are laid out in discernible building lines, with the layout and style providing rhythm and harmony to the street scene. The proposal is for an I-

shaped dormer to the main rear roof and part of the roof of the rear wing. The Inspector notes that although there is some variety to the roof slopes, pitches and chimneys of the rear elevations, dormer windows are an uncommon feature along this row of terraced properties and considers the excessive and unrelieved depth of the proposed attic extension, along with the use of hanging tiles and pvc fascia boards would result in an addition of substantial size which would unbalance the appearance of the property and remove the sense of symmetry. He finds that the proposal would occupy nearly all of the rear roof slope along with the side gable roof slope of one of the rear wings and as such would create an unduly dominant an incongruous feature out of keeping with the prevailing character of the area and concludes that the proposal would adversely affect the character and appearance of the dwelling and the area, contrary to Policy DE1 of the Local Plan.

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|-------------------|--------------------------------|
| Site Address: | 1 Burns Road |
| Reference Number: | FUL/2017/2618 |
| Description: | Erection of dwelling |
| Decision Level: | Delegated |
| Decision: | Refusal on 12/12/2017 |
| Appeal Decision: | <i>Dismissed on 08/06/2018</i> |

Summary of Decision

The main issues are the effect of the proposal on: the character and appearance of the area; and highway safety, with particular regard to parking.

Looking at character and appearance, the site lies within the side garden of No.1 Burns Road which is located at the end of a line of 6 terraced properties which have retained traditional features, giving the row a clear sense of balance and symmetry. The Inspector notes that the whilst the appeal site has a similar width to neighbouring properties at the front it tapers towards the rear which would result in the construction of a very narrow property with staggered side elevation which would appear out of place compared to the uniform appearance of the existing terrace. Furthermore, he notes the proposed building would not incorporate key features of the adjoining terrace such as full height bay windows and would introduce a front dormer which would be a feature uncommon in the area and concludes that the proposal would cause unacceptable harm to the character and appearance of the area, contrary to Policy DE1 and H3 of the Coventry Local Plan.

Looking at highway safety, the Inspector notes that part of the site is used for parking for No.1 Burns Road and that the councils parking standards would require 2 parking spaces for the proposal. A tree on the footpath would restrict access to one of the proposed spaces and without evidence to demonstrate that the proposal to widen the vehicular access to create a second parking space could be achieved without resulting in the loss of the tree, the Inspector cannot conclude that the second parking space could be safely accessed. Furthermore, he is not convinced that the provision of only one off-street space below the standard would be sufficient in this area and would be likely to increase demand for on-street parking in an area where there is existing pressure and concludes that the proposal would

result in an adverse effect on highway safety, with particular regard to parking, contrary to Policy AC3.

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|-------------------|--|
| Site Address: | Harry Stanley House Armfield Street |
| Reference Number: | FUL/2017/1978 |
| Description: | Demolition of Harry Stanley House and construction of 15 affordable homes, associated external works and car parking |
| Decision Level: | Delegated |
| Decision: | Refusal on 03/11/2017 |
| Appeal Decision: | <i>Allowed on 28/06/2018</i> |

Summary of Decision

The appeal is determined on the basis of the policies in the Coventry Local Plan. The main issue is the effect of the proposal on the provision of healthcare.

Policy IM1 sets out that development will be expected to provide or contribute towards provision of measures to directly mitigate its impact and make acceptable in planning terms which covers the provision of appropriate health care.

UHCW NHS Trust argued that the proposal would lead to increased demand for its services. The Inspector notes that before its closure Harry Stanley House was a residential development for older people and that the development would replace this with affordable homes intended to provide for those on waiting lists within the City. He sees no substantive evidence to suggest that they are not already accounted for in terms of the use of NHS services or that there would be an unanticipated increase in the City's population as a result of the development.

Whilst the Inspector accepts that the contribution sought would be related to the provision of physical or social 'infrastructure' as supported by Policy IM1, he finds no evidence on whether this contribution is for generic health infrastructure. However, if this is the case, evidence suggests that NHS contributions have been secured from 5 other developments and the Inspector finds that the contribution would fall foul of the pooling restrictions in Regulation 123 of the CIL Regulations and therefore the financial contribution sought for healthcare would not meet the tests in para. 204 of the NPPF, CIL regulation 123 or Policy IM1.

The Inspector considered the planning obligation to ensure the development would be solely for affordable housing to be unnecessary as the proposed number of dwellings falls below the threshold of 25 set out in CLP Policy H6 and therefore would not meet the tests in para. 204 of the NPPF.

The appeal is allowed with conditions relating to: time limit on development; conformity with approved plans; submission of sample materials; submission of a construction method statement; submission of details of hard and soft landscaping; no occupation until cycle parking provided; no occupation until access road provided; no occupation until car parking provided; submission of tree protection measures; submission of drainage details; emission restriction on any heating

systems; provision of electric vehicle charging points; submission of site investigation report; submission of bat survey; protection of nesting birds; and submission of a scheme to protect the dwellings from noise.

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| Site Address: | 58 St Pauls Road |
| Reference Number: | FUL/2017/3070 |
| Description: | Erection of double storey side, single storey rear extension with dormer windows to side and rear |
| Decision Level: | Delegated |
| Decision: | Refusal on 14/02/2018 |
| Appeal Decision: | <i>Dismissed on 07/07/2018</i> |

Summary of Decision

The main issue is the effect of the proposed side extension on the living conditions of the occupants at No.60 St Pauls Road in respect of outlook and received light.

No.58 is a two-storey detached dwelling. The proposed side extension would be built on the site currently occupied by a garage with the ground floor located next to the boundary with No.60 and the first floor set in from the boundary by 0.5m. The Inspector notes that No.60 has windows and a glazed door in its side elevation facing the boundary with the application site. The ground floor kitchen window and the first floor bedroom window are the only windows serving these habitable rooms at No.60. Although the Inspector recognises there will already be some loss of daylight and outlook to the occupiers of No.60 from the existing garage, he considers the proposed two storey side extension would cause a significant increase in the loss of light and loss of outlook to the facing kitchen and bedroom window because of the height and proximity of the proposed extension which would be in conflict with Policies DE1 and H5 of the Coventry Local Plan.

Although the appellant has advised that the two-storey extension to the rear of No.60 is unlawful, the Inspector does not consider this sufficient reason to allow the appeal. Nor does the existence of other similar extensions in the area justify allowing harmful development at the appeal site.

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| Site Address: | 25 Gretna Road |
| Reference Number: | HH/2018/0110 |
| Description: | Erection of rear conservatory & Garden shed (Retrospective) |
| Decision Level: | Delegated |
| Decision: | Refusal on 08/03/2018 |
| Appeal Decision: | <i>Dismissed as it relates to the conservatory and allowed as it relates to the shed on 03/07/2018</i> |

Summary of Decision

The conservatory has been constructed by the garden shed has not. The Inspector has issued a split decision which dismisses the appeal as it relates to the conservatory but allows the garden shed.

The main issue is the effect on the living conditions of the occupiers of No.23 Gretna Road.

The appeal property has a single storey brick extension across the full width of the rear of the dwelling and the conservatory has been added to this giving a total projection of 6m beyond the original rear elevation of the dwelling. The neighbouring property at No.23 has not been extended. The Inspector notes that the conservatory exceeds the guidelines in the SPG and whilst not solid in appearance considers it would have a detrimental impact on the outlook from the adjoining property. As it impinges the 45 degree sightline he considers it is likely to have reduced the level of light to the adjoining property which would be exacerbated by its orientation to the south west.

On the conservatory, the Inspector concludes that it has a harmful effect on the living conditions of the occupiers of No.23 Gretna Road, contrary Policy DE1 of the Local plan and the guidance in the SPG.

The Council did not object to the garden shed and the Inspector considered it of a reasonable size and located where it would not have any adverse impact on neighbouring occupiers. The shed is allowed subject to conditions relating to time limitations and conformity with the approved plans.

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|-------------------|--|
| Site Address: | 142 Lincroft Crescent |
| Reference Number: | HH/2018/0657 |
| Description: | Erection of single storey rear extension |
| Decision Level: | Delegated |
| Decision: | Refusal on 22/05/2018 |
| Appeal Decision: | <i>Allowed on 03/07/2018</i> |

Summary of Decision

The main issue is the effect of the development on the living conditions of the adjoining occupier at 144 Lincroft Crescent with particular regard to overshadowing and outlook.

The appeal site is a mid-terraced property with the proposed extension projecting 3.4m from the rear. The Inspector notes that No.144 has a single storey extension set away from the appeal site boundary with the lounge window adjoining the shared boundary. He further notes that the gardens slope downwards but the first two fence panels are 2m in height and sited immediately adjacent to the neighbouring window which he considers already creates a tunnelling effect and impacts on the light to the window.

The Inspector acknowledges the SPG but also recognises that each site is unique and proposals should be determined on their own merits. As the appellant states

that the neighbour at no.144 has permission for a similar extension and given the specific circumstances the Inspector concludes that the development is acceptable and in compliance with Policies H5 and DE1 of the Local Plan. The appeal is allowed with conditions in relation to time limitations, conformity with approved plans and requirement for matching materials.

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|-------------------|---|
| Site Address: | 55 Lichfield Road |
| Reference Number: | PA/2018/0479 |
| Description: | Application under Prior Approval for rear extension. The extension will be 5.0m away from the original rear wall of the building with a height of 2.921 metres at the highest point and 2.921 metres to the eaves |
| Decision Level: | Delegated |
| Decision: | Refusal on 26/03/2018 |
| Appeal Decision: | <i>Allowed on 04/07/2018</i> |

Summary of Decision

The main issue is the effect of the development on the living conditions of adjoining occupiers.

The appeal site is an end of terrace property where approval is sought to erect a single storey extension projecting 5m from the rear elevation. Objections were received from a neighbouring occupier raising concern regarding the effect on day light and sunlight. The Inspector notes that when the need for prior approval is triggered by a relevant representation, the effects of the proposal on the amenity of all the adjoining premises can be taken into consideration, even those who did not make representation.

An existing single storey extension would be removed to allow for a 2.9m high flat roofed extension. The Inspector notes that the site is bounded by a 2m high fence on both sides and that daylight and sunlight to the properties on either side is already affected to a degree by the existing fencing. Therefore he concludes that given the modest height of the proposed extension above the existing fence, a flat roofed extension of the height and depth proposed would not appear overbearing to the neighbouring occupants and would not give rise to material harm to their living conditions.

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|-------------------|---|
| Site Address: | 23 St Pauls Road |
| Reference Number: | HH/2018/0217 |
| Description: | Raising of roof height to create new rooms in loft (to be built together with No.21, separate application submitted for No.21) first floor rear extension and rear dormer |
| Decision Level: | Delegated |
| Decision: | Refusal on 19/03/2018 |
| Appeal Decision: | <i>Allowed on 09/07/2018</i> |

Summary of Decision

The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of adjoining occupiers at 25 St Paul's Road with particular regard to overshadowing and visual intrusion.

The Inspector notes that St Paul's Road contains a mixture of detached and semi-detached dwellings with a wide variety in style and property size with differing roof types and that the property benefits from an extant permission to increase the height of the building with a gable roof along with an extant permission for the same development at No.21.

The proposal seeks to increase the height of the roof above that approved under the extant permission and create a half hipped roof. The Inspector notes that while the height of the roof would exceed the neighbouring property the roof pitch would fall back from the road, lessening its impact on the street scene and considers the alterations to the roof would be a sympathetic addition to the property that would not appear bulky or visually dominant given the wide variety of roof types in the area and consequently would be in accordance with Policies DE1 and H5 of the CLP.

Looking at the impact on the living conditions of the adjoining property the Inspector notes that given the current orientation, the appeal building already has an impact on the side elevation of No.25 in terms of light and overshadowing and the small increase in height of the building in comparison to the extant permission would not materially affect living conditions to a significant degree. As the appeal site would not move any closer to No.25 the current sense of enclosure would be maintained and any sense of enclosure would be similar to that which currently exists and consequently he concludes that the development would accord with Policies DE1 and H5.

The appeal is allowed with conditions relating to: time limit for permission; conformity with approved drawings; materials to match existing; and development to be carried out in conjunction with extension at No.21

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|-------------------|--|
| Site Address: | 21 St Pauls Road |
| Reference Number: | HH/2018/0218 |
| Description: | Erection of first floor rear extension and raising of roof to create new rooms (Roof to be built together with No.23 separate application submitted for No.23) and rear dormer |
| Decision Level: | Delegated |
| Decision: | Refusal on 11/04/2018 |
| Appeal Decision: | <i>Allowed on 09/07/2018</i> |

Summary of Decision

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

The Inspector notes that St Paul's Road contains a mixture of detached and semi-detached dwellings with a wide variety in style and property size with differing roof types and that the property benefits from an extant permission to increase the height of the building with a gable roof along with an extant permission for the same development at No.23.

The proposal seeks to increase the height of the roof above that approved under the extant permission and create a half hipped roof. The Inspector notes that while the height of the roof would exceed the neighbouring property the roof pitch would fall back from the road, lessening its impact on the street scene and considers the alterations to the roof would be a sympathetic addition to the property that would not appear bulky or visually dominant given the wide variety of roof types in the area and consequently would be in accordance with Policies DE1 and H5 of the CLP.

The appeal is allowed with conditions relating to: time limit for permission; conformity with approved drawings; materials to match existing; and development to be carried out in conjunction with extension at No.23

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|-------------------|---|
| Site Address: | 90-96 Kenilworth Road |
| Reference Number: | OUT/2017/1853 |
| Description: | Outline application for the erection of 3 bungalows, discharging access, layout and landscaping (in part) |
| Decision Level: | Delegated |
| Decision: | Refusal on 14/09/2017 |
| Appeal Decision: | <i>Dismissed on 20/07/2018</i> |

Summary of Decision

The decision has been taken with regard to the policies in the Coventry Development Plan 2016 which has been adopted since the application was determined. The main issues are: whether the proposal would preserve or enhance the character or appearance of the Kenilworth Road Conservation Area; and the effect of the proposal on ecology.

The appeal site is within the Kenilworth Road Conservation Area which is characterised by woodland with large detached properties on generous plots behind a landscaped screen. The Inspector considers the rear gardens of the appeal site make a positive contribution to the verdant character of the Conservation Area as they are visible from public views to the rear.

The proposal is to build 3 bungalows on the rear gardens of 4 of the properties on Kenilworth Road with access gained from The Shrubberies, which is located to the rear of the site. The proposed plots have been designed to be in keeping with other bungalows along The Shrubberies in terms of their plot width and open plan form but the Inspector notes that these were granted permission prior to adoption of the Kenilworth Road Control Plan in 2001. The Control Plan seeks to protect the special character of the area from intensification of land use along Kenilworth Road and from the removal of trees and associated ground cover and the Inspector

considers that the propels to increase the density of dwellings in the area would erode the open aspect of the site and give the area a more built up appearance thus detracting from the spacious character of the Conservation Area. Furthermore, he considers the proposed bungalows would sit out of kilter with this section of The Shrubberies which is predominantly garden land and would not be consistent with the established pattern of building in the immediate area.

The Inspector considered other recent development in the Conservation Area at Fairlands Park but found the character of this area is generally of development at a higher density and clustered around cul-de-sacs and does not provide a compelling precedent.

The subdivision of the plots would result in the creation of new entrances and driveways which would alter the street scene and require the removal of trees. Although replacement planting is proposed the Inspector considers that there would be little space between the closely spaced bungalows and finds the proposal would lead to a noticeable change in character and appearance of the site with the loss of tree cover and thus a detrimental change to the spacious garden setting of the mature trees which would harm the character and appearance of the Conservation Area and the significance of the designated heritage asset. The benefits to local housing supply and employment would not outweigh the harm to the significance of the Conservation Area and in this regard the Inspector concludes the proposal would conflict with Policies HE2, DE1, H3 and GE4 of the CLP and the proposed development would not conserve the heritage asset in a manner appropriate to its significance.

The Inspector notes that no formal ecological survey work has been submitted with the application and on the evidence presented he considers that the wooded nature of the site could support protected species and in the absence of survey work he is unable to determine whether the proposal would have an adverse effect on any protected species and it would therefore be contrary to the aims of Policy GE3.

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|-------------------|---|
| Site Address: | 280 Allesley Old Road |
| Reference Number: | HH/2018/0072 |
| Description: | Installation of dropped kerb for vehicular access |
| Decision Level: | Delegated |
| Decision: | Refusal on 29/03/2018 |
| Appeal Decision: | <i>Dismissed on 23/07/2018</i> |

Summary of Decision

The proposal is to provide an access to frontage parking. The Inspector considers the frontage of the appeal dwelling is not wide enough to enable a car or van to turn around within it and as a result vehicles would reverse into or out of the forecourt. He considers reversing onto the highway would be a very dangerous manoeuvre because the road is busy, a bus stop sits in close proximity and vehicles legitimately parking along the highway would restrict driver visibility,

concluding that the proposal would harm the safety of highway users in conflict with Policies DE1 and AC2.

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| Site Address: | 1 John Wigley Way |
| Reference Number: | ADV/2017/3183 |
| Description: | Display of 15m high illuminated star tower sign |
| Decision Level: | Delegated |
| Decision: | Refusal on 09/02/2018 |
| Appeal Decision: | <i>Dismissed on 09/08/2018</i> |

Summary of Decision

The main issue is the effect of the proposed display on visual amenity.

The appeal signage display would be sited at the edge of a recently constructed car showroom dealership in a location adjacent to commercial and retail uses, their car parks and busy roads.

The Inspector considers the function of the star tower sign would require a degree of prominence, but due to its overall height, including the large diameter of the rotating logo, the upper part of the display would project well above the other buildings and structures which form its backdrop. Furthermore, she considers the tower element would not be as slender as the street furniture and concludes that the signage display would appear out of scale within its context and this harmful effect would be exacerbated by the internal illumination and rotation of the overly large circular element, harming the visual amenity of the surrounding area.

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| Site Address: | 36 Cannon Hill Road |
| Reference Number: | FUL/2017/3114 |
| Description: | Variation of condition No.2 (to allow an increase the number of occupants from 8 persons to 9 persons) imposed on permission reference FUL/2015/3420 for the change of use from single dwelling (Use Class C3) to a house in multiple occupation for 8 occupants (Use Class Sui Generis), granted on appeal 19/09/2016 |
| Decision Level: | Delegated |
| Decision: | Refusal on 01/02/2018 |
| Appeal Decision: | <i>Allowed on 16/08/2018</i> |

Summary of Decision

Following the refusal of planning permission the appellant submitted further information relating to facilities for car parking at the site and in the general locality. The Highway Authority has considered this information and confirm that its objection is withdrawn. The Inspector agrees with this and in this regard concludes that the proposal does not conflict with Policies AC1, AC3 and Appendix 5 of the CLP.

The remaining issue is the effect of an additional occupant on the residential character of the area by reason of additional comings and goings and general disturbance.

The appeal property is a large detached house which is in multiple occupation for 8 occupants and the proposal seeks to increase this to 9 occupants. The property is well spaced from its neighbours and set back from the pavement and the Inspector notes there is no suggestion that there has been any measurable noise or disturbance to adjoining occupiers and that the concern relates to the way in which the property is used.

It is likely that the property would continue to be occupied by students. The Inspector notes the Council's argument that the proposed intensifies level of occupation might be greater than that normally expected at a family dwelling. However, she considers the property of a size that could accommodate a large or extended family and as the use of the property as a HMO for 8 residents has already been approved she is not persuaded that there would be a material difference between the levels of activity likely to arise from 8 occupants to the 9 now proposed. Furthermore, the evidence indicates a low level of multi-occupancy properties in the area and Cannon Hill Road is not a quiet road and the Inspector does not consider the comings and goings of 1 additional resident would have a noticeable effect on local amenities and concludes there would be no conflict with Policy H11.

The appeal is allowed and the original permission 2 varied to allow occupation by 9 residents. The condition requiring the retention of the refuse storage area is also re-imposed.

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| Site Address: | 705 Tile Hill Lane |
| Reference Number: | HH/2018/0244 |
| Description: | Demolition of existing outbuilding and erection of new outbuilding to rear with single-storey rear link extension and erection of first floor side and two storey rear extensions |
| Decision Level: | Delegated |
| Decision: | Refusal on 28/03/2018 |
| Appeal Decision: | <i>Dismissed on 24/08/2018</i> |

Summary of Decision

The main issue is the effect on the character and appearance of the locality including the effect on trees within the adjoining area of ancient woodland.

During the Inspectors site visit it was noted that the outbuilding shown on the appeal plans had been constructed along with a 2m high boundary wall to the boundary with Plants Hill Wood. The Inspector has not considered whether a 2015 permission for similar development has been implemented as this is outside the scope of the appeal.

The Inspector considers the two storey element of the extensions would be screened by the trees in Plants Hill Wood and would not have any prominence in the street scene and the single storey outbuilding and link block would be largely hidden from views outside the site and consequently would not harm the character or appearance of the surrounding area, there being no conflict with Policy DE1 in this regard.

The nearest trees to the site (T1, T2 and T3) are identified as being high quality and form part of a larger area of ancient woodland within Plants Hill Wood. The Inspector notes the wood forms a substantial block of woodland in an otherwise built up area and serves as a local nature reserve and recreational resource and clearly has significant amenity value in the locality.

Most of the footprint of the outbuilding and the two storey rear extension and all of link block fall within RPS of T2 and T3 identified on the plans and the Inspector considers that there would be a risk of harm to the root systems of these trees through ground excavation works and the laying of foundations. Furthermore the first floor side extension would be within the crown spread of T1 which would require the removal of a branch to allow construction and the risk of longer term pressure for further work.

The Inspector concludes that the proposal would have a detrimental effect on the health and likely longevity of trees T1, T2 and T3 and reduce the contribution they make to the edge of the ancient woodland. It conflicts with LP Policy GE4 and GE3. Both the individual trees and woodland are of high amenity value and harm to, or loss of these trees would also harm the character and appearance of the locality. A conflict therefore arises with Policy DE1 and with HE2 as Plants Hill Wood can be regarded as a heritage asset and the proposals fail to conserve that asset.

PLANNING APPEAL PROGRESS REPORT – SUMMARY TABLE

CURRENT APPEALS LODGED

| Application Reference & Site Address | Case Officer | Type | Proposal | Progress & Dates |
|---|--------------------------|-------------------------|--|---|
| FUL/2017/1984 3 Staircase Lane | <i>Robert Penlington</i> | Written Representations | Works to TPO Tree – Oak – Remove all dead wood from the tree and cut back overgrown branches that are encroaching the house to a distance of 4 metres away from the front of the property | Lodged date: 09/10/2017 Start date: 04/01/2018 Questionnaire/Statement: 31/01/2018 Appeal withdrawn |
| TP/2017/1283 3 Staircase Lane | <i>Robert Penlington</i> | Written Representations | Oak tree – shorten x12 low branches by 4m from dwellings 1 & 3 Staircase Lane | Lodged date: 04/01/2018 Start date: 04/01/2018 Questionnaire: 31/01/2018 |
| TP/2017/2277 6 Innis Road | <i>Robert Penlington</i> | Written Representations | Oak (T1) – 20% crown reduction | Lodged date: 15/01/2018 Start date: 10/01/2018 Questionnaire: 16/01/2018 |
| FUL/2017/2958 105 Far Gosford Street | <i>Anne Lynch</i> | Written Representations | Installation of ATM machine | Lodged date: 08/02/2018 Questionnaire/Statement: 29/08/2018 |
| FUL/2017/1899 24, 26, 26a and 28 Lockhurst Lane | <i>Anne Lynch</i> | Written Representations | Change of use of 24-28 Lockhurst Lane from a nursery to a mixed use development comprising an A1 (shop), A2 (financial and professional services) , a hair and beauty salon (sui generis) and a mixed B1/B8 us (office/ storage) | Lodged date: 16/03/2018 Start date: 31/05/2018 Questionnaire/Statement: 26/06/2018 |

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| ADV/2018/0082 <i>Friars House Manor House Drive</i> | <i>Liam D'Onofrio</i> | Written Representations | Display of 2 vinyl signs (retrospective) | Lodged date: 04/04/2018 Start date: 07/08/2018 Questionnaire/Statement: 13/08/2018 |
| FUL/2017/2059 <i>88 Poppleton Close</i> | <i>Anne Lynch</i> | Written Representations | Change of use from C3 residential to 7 bedroom HMO for 7 occupiers (sui generis) (retrospective) | Lodged date: 12/04/2018 Start date: 30/08/2018 |
| FUL/2017/2864 <i>7 Hasilwood Square</i> | <i>Mary-Ann Jones</i> | Written Representations | Erection of detached bungalow | Lodged date: 08/05/2018 Start date: 17/08/2018 |
| FUL/2017/2362 <i>25 Humber Road</i> | <i>Anne Lynch</i> | Written Representations | Change of use from dwelling (C3) to 7 bed house in multiple occupation (sui generis) for 7 occupants, loft conversion and front and rear extensions (retrospective) | Lodged date: 10/05/2018 Start date: 06/08/2018 Questionnaire/Statement: 29/08/2018 |
| FUL/2017/2906 <i>37 Acorn Street</i> | <i>Mary-Ann Jones</i> | Written Representations | Subdivision of existing retail shop and part change of use from retail shop (Use Class A1) to hot food take away (Use Class A5) | Lodged date: 11/05/2018 Start date: 06/08/2018 Questionnaire/Statement: 13/08/2018 |
| FUL/2017/2559 <i>19 Hendre Close</i> | <i>Nigel Smith</i> | Written Representations | Erection of one dwelling | Lodged date: 16/05/2018 Start date: 17/07/2018 Questionnaire/Statement: 24/07/2018 |
| LDCE/2018/0743 <i>62 Northumberland Road</i> | <i>Shamim Chowdhury</i> | Written Representations | Application for a Lawful Development Certificate for the existing use of the site as a 7 bedroom House in Multiple Occupancy (HiMO) | Lodged date: 05/06/2018 Start date: 06/07/2018 Questionnaire/Statement: 22/08/2018 |

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| FUL/2017/2683 1 The Laurels Fairlands Park | Anne Lynch | Written Representations | Extension and conversion of existing garage to form 1 bed house | Lodged date: 12/06/2018 Start date: 17/07/2018 Questionnaire/Statement: 01/08/2018 |
| FUL/2018/0545 72 Kenilworth Road | Liam D'Onofrio | Written Representations | Demolition of existing buildings and erection of a replacement dwelling | Lodged date: 12/06/2018 Start date: 18/07/2018 Questionnaire/Statement: 25/07/2018 |
| FUL/2018/0670 Unit 10 Westmede Centre Winsford Avenue | Nigel Smith | Written Representations | Installation of hand car wash on part of NISA car park | Lodged date: 15/06/2018 Start date: 07/08/2018 Questionnaire/Statement: 08/08/2018 |
| HH/2018/0370 9 Hasilwood Square | Ayesha Saleem | Written Representations | Erection of rear extension, patio and loft conversion | Lodged date: 19/06/2018 Start date: 14/08/2018 Questionnaire/Statement: 15/08/2018 |
| FUL/2018/0168 16 Chadwick Close | Pavan Flora-Choda | Written Representations | Proposed new dwelling within the land of 16 Chadwick Close | Lodged date: 25/06/2018 Start date: 30/07/2018 Questionnaire/Statement: 06/08/2018 |
| OUT/2017/3159 Land between 57 And 71 Berry Street | Anne Lynch | Written Representations | Erection of 22 self contained student apartments with en suites and associated parking. Outline application discharging access with all other matters reserved | Lodged date: 29/06/2018 Awaiting start date |
| FUL/2017/3029 14 John McGuire Crescent | Mary-Ann Jones | Written Representations | Erection of one dwelling house, with associated landscaping and vehicular access | Lodged date: 10/07/2018 Awaiting start date |
| S73/2018/0667 Unit C, Earl Place Business Park Fletchamstead Highway | Anne Lynch | Written Representations | Submission of details to remove condition 4 (restriction to trampoline centre) imposed on application reference FUL/2017/1935, granted on 7 th November 2017 for change of use from use classes B1(c) - light industrial and B2 – general industrial to use classes B1(c), B2 and D1 – assembly and leisure | Lodged date 12/07/2018 Awaiting start date |
| FUL/2018/0776 5 Davenport Road | Ayesha Saleem | Written Representations | Extension to detached garage and change of use to create single bedroom house | Lodged date 20/07/2018 Awaiting start date |

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| HH/2018/0464 42 Harefield Road | Anne Lynch | Written Representations | Erection of single storey rear extension (retrospective) and erection of replacement garage | Lodged date: 20/07/2018 Awaiting start date |
| FUL/2017/2010 86 Poppleton Close | Anne Lynch | Written Representations | Change of use from C3 residential to 8 bedroom HMO for 8 occupiers (sui generis) (retrospective) | Lodged date: 25/07/2018 Start date: 25/07/2018 |
| FUL/2017/2011 87 Poppleton Close | Anne Lynch | Written Representations | Change of use from C3 residential to 8 bedroom HMO for 8 occupiers (sui generis) (retrospective) | Lodged date: 25/07/2018 Start date: 25/07/2018 |
| OUT/2018/0756 56 Craven Street | Mary-Ann Jones | Written Representations | Outline planning permission (matters relating to access and scale only) for the erection of a two-bedroomed dwelling house (two storey in height). All other matters reserved | Lodged date: 25/07/2018 Awaiting start date |
| HH/2018/0593 102 Brinklow Road | Peter Anderson | Written Representations | Boundary fence construction (retrospective) | Lodged date: 13/08/2018 Appeal out of time – no action |

APPEAL DECISIONS RECEIVED

| Application Reference Site Address | Case Officer | Type | Proposal | Appeal Decision & date |
|--|------------------|-------------------------|---|--|
| FUL/2017/1589 33 Walsgrave Road | Nigel Smith | Written Representations | Attic extension to existing first floor apartment including rear dormer windows | Decision : DISMISSED 08/06/2018 decision type: <i>Delegated</i> |
| FUL/2017/2618 1 Burns Road | Nigel Smith | Written Representations | Erection of dwelling | Decision : DISMISSED 08/06/2018 decision type: <i>Delegated</i> |
| FUL/2017/1978 Harry Stanley House Armfield Street | Shamim Chowdhury | Written Representations | Demolition of Harry Stanley House and construction of 15 affordable homes, associated external works and car parking | Decision : ALLOWED 28/06/2018 decision type: <i>Delegated</i> |
| FUL/2017/3070 58 St Pauls Road | Ayesha Saleem | Written Representations | Erection of double storey side, single storey rear extension with dormer windows to side and rear | Decision : DISMISSED 03/07/2018 decision type: <i>Delegated</i> |
| HH/2018/0110 25 Gretna Road | Mary-Ann Jones | Written Representations | Erection of rear conservatory & Garden shed (Retrospective) | Decision : SPLIT DECISION DISMISSED/ALLOWED 03/07/2018 decision type: <i>Delegated</i> |
| HH/2018/0657 142 Lincroft Crescent | Ayesha Saleem | Written Representations | Erection of single storey rear extension | Decision : ALLOWED 03/07/2018 decision type: <i>Delegated</i> |
| PA/2018/0479 55 Lichfield Road | Ryan O'Keeffe | Written Representations | Application under Prior Approval for rear extension. The extension will be 5.0m away from the original rear wall of the building with a height of 2.921 metres at the highest point and 2.921 metres to the eaves | Decision : ALLOWED 04/07/2018 decision type: <i>Delegated</i> |

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| HH/2018/0217 23 St Pauls Road | Shamim Chowdhury | Written Representations | Raising of roof height to create new rooms in loft (to be built together with No.21, separate application submitted for No.21) first floor rear extension and rear dormer | Decision : ALLOWED 09/07/2018 decision type: <i>Delegated</i> |
| HH/2018/0218 21 St Pauls Road | Shamim Chowdhury | Written Representations | Erection of first floor rear extension and raising of roof to create new rooms (Roof to be built together with No.23 separate application submitted for No.23) and rear dormer | Decision : ALLOWED 09/07/2018 decision type: <i>Delegated</i> |
| OUT/2017/1853 90-96 Kenilworth Road | Liam D'Onofrio | Written Representations | Outline application for the erection of 3 bungalows, discharging access, layout and landscaping (in part) | Decision : DISMISSED 20/07/2018 decision type: <i>Delegated</i> |
| HH/2018/0072 280 Allesley Old Road | Peter Anderson | Written Representations | Installation of dropped kerb for vehicular access | Decision : DISMISSED 23/07/2018 decision type: <i>Delegated</i> |
| ADV/2017/3183 1 John Wigley Way | Shamim Chowdhury | Written Representations | Display of 15m high illuminated star tower sign | Decision : DISMISSED 09/08/2018 decision type: <i>Delegated</i> |
| FUL/2017/3114 36 Cannon Hill Road | Mary-Ann Jones | Written Representations | Variation of condition No.2 (to allow an increase the number of occupants from 8 persons to 9 persons) imposed on permission reference FUL/2015/3420 for the change of use from single dwelling (Use Class C3) to a house in multiple occupation for 8 occupants (Use Class Sui Generis), granted on appeal 19/09/2016 | Decision : ALLOWED 16/08/2018 decision type: <i>Delegated</i> |
| HH/2018/0244 705 Tile Hill Lane | Ayesha Saleem | Written Representations | Demolition of existing outbuilding and erection of new outbuilding to rear with single-storey rear link extension and erection of first floor side and two storey rear extensions | Decision : DISMISSED 24/08/2018 decision type: <i>Delegated</i> |