

Planning Ref:	HH/2021/1951
Site:	1 Worcester Close
Ward:	Bablake
Proposal:	Replacement boundary wall and railings/fences and 2 no new gates, replacement conservatory to main house, external alterations, rear raised platform and steps, continued ancillary use of the annexe outbuilding, new vehicular crossover and driveway for off road parking, and landscaping (part retrospective). Resubmission of HH/2020/1588.
Case Officer:	Holika Bungre

SUMMARY

As amended, the application seeks planning permission for a replacement boundary wall and railings to the front, with high fencing above the wall further to the side and rear to enclose the conservatory and rear garden, along with 2 new gates, a replacement conservatory to main house (with the previously built canopy to the front of it now removed), and other external alterations, rear raised platform and steps, continued ancillary use of the annexe outbuilding (after proposed removal of the conservatory which has been added to it), new vehicular crossover and driveway for off road parking, and landscaping (which is part retrospective). The proposal to render the house has now been removed from the scheme also. It is considered that the amendments negotiated make the scheme acceptable.

BACKGROUND

A previous application for development at the site was refused due to the conservatory extension to the outbuilding being unacceptable in visual and design terms; the loss of the original parking space; unsafe corner access over the tactile paving; insufficient replacement of the lost parking space in a safe location; and insufficient information to demonstrate that the front driveway installed was sustainably drained. There is an open enforcement case relating to the site.

KEY FACTS

Reason for report to committee:	The application has received more than 5 representations objecting to the proposal and has been called in by Councillor Birdi.
Current use of site:	Residential dwelling
Proposed use of site:	Residential dwelling

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon the character of the area.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DE1, H5, AC2 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

APPLICATION PROPOSAL

After a number of amendments (many of which have been requested by Planning Officers to make the application acceptable or as suggestions to improve the scheme), the application seeks planning permission for a number of elements, some of which are part retrospective, given that the works are in progress.

The aspects which are part retrospective are:

- The replacement boundary wall and railings/fences (the boundary wall has been part built thus far, and the railings, fences and the intervening brick pillars are not yet added). The wall as built is approximately 0.7m - 1m at different points along the slope, and as proposed;
 - To the front edge, the full boundary walls with railings will be approximately 1.2m at different points along the slope (and 600m for 2m to both sides of the driveway entrance to meet highways requirements for visibility splays).
 - To the side and rear part of the site, the full height of the walls with pillars and intervening fences and gates will be up to 2.4m at different points along the slope, beginning to the front edge of the conservatory, where the low 600mm wall ends.
- The replacement conservatory to the main house (to the same footprint as pre-existing) and to heights of 2.65m to the eaves and 3.5m to full height (when viewed from the front). The canopy to the front of it which had been built has now been removed on site.
- The rear raised platform and steps (of 0.9m height), for which the platform has been partially built and the steps are not yet built.
- The continued ancillary use of the annexe outbuilding (after the removal of the conservatory which has been unlawfully added to it).

The aspects which are proposed are:

- A new vehicular crossover to the side of the site past the corner, for access to the off road parking and the new driveway, replacing the now closed off parking space originally found at the rear edge of the site.

Aspects which do not require planning permission are:

- Relocation of the front door as already carried out.
- Block paved driveway at front which has been laid, which is confirmed to be permeable.
- It may be noted that some hedging has been added to the rear gardens boundary also, but this will sit inside the proposed boundary wall with fence panels.

SITE DESCRIPTION

The application site relates to a semi-detached dwelling located to the south west edge of Worcester Close at the corner with Antrim Close in the Bablake Ward. The Allesley Primary School is very nearby to the west, at the end of Antrim Close, and this is often a busy road with the school traffic. There is a slope in the site from Antrim Close, downwards and northwards into Worcester Close (of approximately 1.2m).

The site comprises the main dwelling house and an outbuilding at the end of the rear garden adjacent to the neighbour at No. 5. This outbuilding was originally a garage, but it is accepted that it has been converted and used as ancillary living accommodation to the main house for a number of years (even if not formally), and the original dropped kerb for the site's off road parking is in Worcester Close to the front of this original garage.

The application site has had a number of works ongoing since 2019 which includes the partial rebuild of the main conservatory to the house with a new canopy to the front (canopy now removed). Various aspects are still in the process of construction but is almost complete.

The blocking off of the original front door facing Worcester Close and being moved to the elevation facing Antrim Close has already taken place, but this aspect would not require planning permission.

The proposed new boundary walls and gates have been partially built, which are over 1m and require planning permission. Along with the opening in the boundary wall left to edge of the site facing Antrim Close on the corner, a block paved driveway has been added to the site, and other block paving further into the garden area. This driveway area has thus far been unlawfully accessed by vehicles via the pedestrian tactile paving on the corner, as this is not a dropped kerb for vehicular access and never has been.

A conservatory has also been added to the outbuilding which would require planning permission by virtue of its size and proposed use. While initially the plans represented this addition, the applicant has subsequently indicated that this will be demolished and that the outbuilding will continue to be used as ancillary living accommodation to the main dwelling and not as a separate dwelling.

There are enforcement complaints relating to the site and works carried out.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
HH/2020/1588	Replacement boundary wall and railings, replacement conservatory to main house, rendering of whole house and other external alterations, continued ancillary use of the annexe outbuilding and retention of added conservatory, new vehicular crossover and driveway for off road parking	Refused 03/12/2020 (see reasons below)
L/1989/1491	Conservatory to side of dwelling	Approved 22/09/1989

The previous application ref: HH/2020/1588 was refused for the following reasons:

1. The conservatory extension to the rear outbuilding is of an unacceptable scale and disjointed design, by reason of its breach of the established building line in Worcester Close, and its elevated position and prominent location within the streetscene, resulting in an incongruous and visually intrusive addition to the outbuilding, which is harmful to the character and appearance of the surrounding residential area, contrary to Policies DE1 and H5 of the Coventry Local Plan 2016 and the overriding principles of the NPPF.
2. The proposals are contrary to Policies AC2 and AC3 of the Coventry Local Plan 2016 and the overriding principles of the NPPF in that:
 - The location of the proposed vehicle access crossing on the corner of a road junction and in close proximity to a busy school entrance is harmful to highway and pedestrian

safety,

- the blocking up of the existing vehicle access on Worcester Close results in a loss of suitable off road parking, thereby increasing the demand for on-street parking, which would be detrimental to pedestrian and highway safety and the free flow of traffic.

3. Insufficient information has been submitted to demonstrate that the driveway has been constructed from permeable materials or has suitable areas for soakaway runoff within the curtilage of the property, which could lead to increased flooding, contrary to Policy EM5 of the Coventry Local Plan 2016 or the overriding principles of the NPPF.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy H5: Managing Existing Housing Stock

Policy DE1 Ensuring High Quality Design

Policy AC2: Road Network

Policy AC3: Demand Management

Policy EM5 Sustainable Drainage Systems (SuDS)

Supplementary Planning Guidance/ Documents (SPG/ SPD):

Extending Your Home adopted by Planning Committee on 10 April 2003 and reviewed on 15 December 2005. Both following public consultation exercise in accordance with PPG 12.

SPG Design Guidelines for New Residential Development

SPD Coventry Connected

CONSULTATION

No Objection subject to conditions received from:

Highways

No objections received from:

Highways Vehicle Access

Immediate neighbours and local councillors have been notified; a site notice was posted on 17/09/2021.

49 letters of objection (including 2 Ward Councillor objections and a Coventry MP comment) have been received, raising the following material planning considerations:

- a) The length of the site and the level change makes the frontage of the site appear quite prominent
- b) Walls should be reinstated to 2m height as pedestrians can now see into garden.

- c) Loss of vegetation has changed the appearance of the area, and is now not in keeping
- d) The front door has been changed to face Antrim Close and should be reinstated to retain original appearance, and what was the original 'front' of the property, and questioning if this is permitted.
- e) Parking on the bend and accessing driveway via crossing as built so far is dangerous, especially given how near the school is, and dangerous parking is already an issue.
- f) New vehicle crossing position is still hazardous due to congestion and being near to primary school, and breaks highway code 10 metre rule
- g) Annexe has never had planning permission
- h) Annexe conservatory is unsightly and apex is higher than main building, and it dominates view from Worcester Close, is on raised ground, and breaches the building line
- i) Outbuilding extension and brick wall has affected parking provision and original dropped kerb use
- j) Original garage parking space should be maintained like neighbours, and so garage use should be reinstated
- k) Outbuilding extension causes a loss of light and outlook
- l) Appears that the outbuilding is intended to be a separate living space and should be required to be reverted to its original purpose as a garage, and not set a precedent in the area.
- m) Grey rendering will not maintain visual integrity and brick properties of Worcester Close and Antrim Close, and house is in prominent position.
- n) Works begun in 2019, not in May 2020 as stated on application form.
- o) Works exceed a number of permitted development rules
- p) No. 5 Worcester Close incorrectly labelled as No. 3.
- q) Concerns over accuracy and completeness of plans.
- r) Previous reasons of refusal have not been fully addressed
- s) Questions as to why enforcement action has not been taken yet, and request for this to take place

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- a) Soil vent pipe erected near to shared boundary.
- b) Ground works in rear garden have undermined neighbouring foundations and whether correct building control inspections have taken place – this is dealt with separately under Building Control and Party Wall Act.
- c) Original Worcester Close sign poles damaged and sign affixed to wall by applicant
- d) Unsafe gas entry point and potential notifiable plant growing here.
- e) Concerns over drainage for outbuilding.
- f) Development will have negative impact on property values.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, the impact upon the character of the area, the impact upon neighbouring amenity and highway considerations.

Principle of development

Given the existing use of the outbuilding as ancillary accommodation to the main dwelling, it is considered that the continued use of the building in this way is not unacceptable, so long as it is restricted to that of a family member of the occupiers of the main dwelling. The reduced scale of it also by way of the proposed removal of the conservatory extension as amended will ensure it remains of the scale it has been in the past, and is limited, and will not encourage a more substantial use than just one that is related to the main dwelling.

The other works in the application are all alterations and additions associated directly with the main dwelling and are suitable in principle subject to the assessment of the matters below.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The rebuilding of the conservatory to the dwelling is on the same footprint but is slightly higher than the existing, and the canopy previously erected to the front of it has now been removed. This was considered necessary for it not to appear visually too dominant in relation to the property, and now that it has been completed, it is considered to have mitigated the harm originally caused, and would be little different to the conservatory which was there before. Furthermore, the proposed high wall with fence panels will strongly screen much of the views to the conservatory from the prominent views it currently has due to its wide open and elevated siting in the street, and has a similar visual impact to that which was there previously, given that high fences existed before.

The proposed walls, gates and fences are considered suitable in visual appearance and design for the dwelling and the street scene (including their height and scale), and concerning the higher sections, they are lesser in height than the boundary walls and fencing at the dwelling on the corner across the road, which is on average 2.4m - 2.65m at different points

along the slope, and the outbuilding at this neighbouring site reaches 2.9m above ground level, which also forms part of the visual impact to the street scene directly along the boundary there. Comparably, the proposed fences and walls are considered appropriate, and have the characteristics of the previous fencing, but is more attractive now as proposed. This is also an improvement on the previous proposal for the gates and fences to be low, and this has ensured the rear garden will also be kept private as is usual.

While the original shrubbery on site has been removed, this does not require planning permission. Hedging has also been added to the side and rear edge of the site, although this will most probably be screened by the proposed walls and fences. In any case, the removal, addition or maintenance of hedging does not require planning permission and cannot be permanently controlled, and therefore the wall and fencing proposal is considered to be the appropriate and permanent solution.

The rear raised platform and steps (of 0.9m height), for which the platform has been partially built and the steps are not yet built, and are considered typical and acceptable in design terms and will not be viewed within the street scene given the boundary treatments proposed. As the previously proposed render has been removed from the scheme, this is an improvement, ensuring it is much more in keeping with the street scene.

The conservatory extension which has been added to the ancillary outbuilding is considered highly incongruous in the context of the building itself and the street scene and was assessed in detail in the previous refusal report in 2020. While it was originally proposed in this application to add a flat roof to it, in order to make its roof consistent with the main roof of the original outbuilding, this was not considered visually acceptable to Planning Officers as many of the previous concerns with its design still stood, and has now been proposed to be removed from the outbuilding altogether. Therefore, visually and in terms of scale, the outbuilding will now be considered acceptable, and a planning condition is recommended to require removal of the conservatory.

Impact on residential amenity

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties. The proposed development will satisfy this requirement as there are no primary habitable windows which are directly affected by any of the proposals or extensions, and no 45 degree angles are breached and no significant overbearing or overshadowing will occur. There are also no new windows proposed that would face directly onto any neighbours private property or land, and so no undue overlooking would occur.

Following removal of the conservatory extension to the outbuilding, the outbuilding will have an acceptable relationship with no. 5 Worcester Close.

Highway considerations

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The proposals still cause a loss of the original one space for off road parking which must be replaced. Even though the outbuilding conservatory will be demolished and the space will

appear again, the dropped kerb access will still remain blocked off by way of the brick boundary wall that has been built here and is proposed to remain and be completed.

The driveway and vehicle access currently unlawfully created near the front of the site facing Antrim Close, which involves driving over the tactile pedestrian paving was not considered acceptable in this respect, nor safe due to its position on the corner and this junction, and its close proximity to the school. This unlawful access is now proposed to be closed off by a front wall, which will be recommended to be conditioned to be carried out and retained thereafter. The new access created to the side of the site, facing Worcester Close has not been objected to by highways, meet their requirement for pedestrian visibility splays to both sides (to be conditioned also), and will suitably replace the space lost to the rear of the site as a minimum.

Highways have requested conditions for details of the new footway crossing to be provided, which is not considered reasonable given that the levels of the site do not affect the ability of the dropped kerb to be added safely in the usual way, and is not recommended to be applied. A condition for the driveway area to be consolidated, delineated, surfaced, drained and free of loose stone was recommended but this has already taken place in its construction and so is not considered necessary. Lastly, they have also recommended conditions for the old dropped kerb area to be reinstated as footway, and the front footway also to be reinstated, to include the pram crossing. These works are not considered necessary to make the development acceptable in planning terms as it doesn't affect highway safety. These will however be included as informatives.

Drainage

Surfacing to the front, side and rear of the property does not require planning permission and such is not further assessed here.

Other Matters

There were a number of matters raised which are not material to the planning assessment of this application, and therefore cannot be commented upon or controlled by this planning process, and various aspects of it are dealt also with by other legislation. All of these are in the comments above and examples of these are matters relating to the impact on neighbouring property values, or matters relating to The Party Wall Act which are private civil matters.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - a) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - b) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety, ecology or the character of the area, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, H5, AC2, AC3 and EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall be carried out in accordance with the following approved plans: A04A Previous Plans and Floorplans, A04B Existing Elevations and Floorplans, A05 Proposed Elevations and Floorplans, A06 Existing Elevations and Floorplans for Annex, A07 Proposed Elevations and Floorplans for Annex (all as submitted on 04/01/2022), A02 Existing Wall Elevations (as submitted on 11/01/2022), and A01 Location and Block Plan and A03 Proposed Wall Elevations (both as submitted on 18/01/2022).

Reason: *For the avoidance of doubt and in the interests of proper planning*

2. Within four months of the date of this planning permission (by no later than 17th June 2022) the conservatory to the outbuilding shown on drawing A06 Existing Elevations and Floorplan for Annex as submitted on 04/01/2022 shall be demolished and the outbuilding shall be modified in full accordance with approved drawings A01 Location and Block Plan as submitted on 18/01/2022 and A07 Proposed Elevations and Floor Plan for Annex as submitted on 04/01/2022.

Reason: *To ensure that the proposed development has a satisfactory external appearance and use in the interests of the visual amenities of the area and neighbouring occupiers in accordance with Policies DE1 and H5 of the Coventry Local Plan 2016.*

3. Within four months of the date of this planning permission (by no later than 17th June 2022) all boundary treatments abutting the public footpath in Antrim Close and Worcester Close hereby permitted shall be installed in strict accordance with the details shown on the approved plans A03 Proposed Wall Elevations as submitted on 18/01/2022 and shall be constructed in matching brick to that of the existing walls. The front boundary wall along Antrim Close shall thereafter be retained in situ and shall not be removed or altered in any way.

Reason: *In the interests of highway safety in accordance with the aims and objectives of Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*

4. Within four months of the date of this planning permission (by no later than 17th June 2022) the access to the site (including the vehicular crossover), manoeuvring space and the car parking area indicated on the approved drawings shall be provided in full accordance with those details and thereafter those areas shall be kept available for such use at all times.

Reason: *In the interests of highway safety in accordance with the aims and objectives of Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016*

5. The residential annexe hereby permitted shall be occupied solely in connection with, and ancillary to the main dwellinghouse at 1 Worcester Close, and shall not be sub-divided, sub-let or occupied as an independent unit of residential accommodation.

Reason: *The creation of an independent unit of residential accommodation in this location would not provide a satisfactory residential environment for future occupiers in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.*

6. Before the access hereby permitted is first used a 2 metre by 2 metre visibility splay shall be provided at the back of the footway on either side of the proposed access way in full accordance with the approved drawings. The visibility splays shall be retained thereafter with nothing in the visibility splay exceeding 600mm in height.

Reason: *In the interests of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2016.*