

Planning Committee Report	
Planning Ref:	PL/2023/0000175/RVC
Site:	85 Gleneagles Road
Ward:	Wyken
Proposal:	Erection of first floor side extension. (Variation of condition No.2 (Drawing Numbers), to allow for the alteration of external materials proposed; imposed on planning permission reference HH/2020/1513 granted on 15.09.2020).
Case Officer:	Tom Cox

SUMMARY

This application is an amendment to the original permission granted under application reference HH/2020/1513. This application was approved on the 21.07.2020 in accordance with the relevant conditions. There is no other relevant planning history specific to this site.

This application has not previously been considered by planning committee and is being considered as more than 5no. objections have been received raising issues which constitute a material planning consideration.

In view of the existing works, the development is not considered to have a significant or detrimental impact upon neighbouring amenity, particularly when viewed in the context of the small amount of existing brickwork present. The proposed development would therefore accord with Policy DE1 and H5 of the local plan, and the Householder Design Guide SPD.

BACKGROUND

This application is for the variation of Condition no.2 (Approved Drawing Numbers), imposed on planning permission reference HH/2020/1513 for the 'erection of a first-floor side extension.' The applicant is seeking to vary this condition as the works they have carried out do not accord with the approved plans, the application is therefore in-part retrospective.

The completed works are a breach of condition 3 which states: *'Other than where specified on the approved plans, no facing and roofing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.'* The works completed so far do not solely use external facing materials which are similar in appearance to those used in the construction of the existing dwelling house.

In constructing the existing side wall, which faces no.87 Gleneagles Road, the applicant has used two different bricks, one of which is not considered to be similar to the existing/original dwelling house. The applicant is therefore seeking to regularise the works under this application and to obtain permission for the amendment to the materials to be used on this part of their extension.

KEY FACTS

Reason for report to committee:	More than 5no. objections have been received from neighbours on the following material planning matters: <ul style="list-style-type: none">• The use of materials impacts upon visual and neighbouring amenity and is considered to detract from the character of the area.
Use of site:	The site is a dwelling house (Use Class C3) and will remain as such should planning permission be granted by planning committee.
Parking provision	The parking provision will be unaffected by this proposal, off-street parking is available and will remain available once this development is complete.

RECOMMENDATION

Planning Committee are recommended to grant the variation of Condition 2 to amend the plan numbers as the proposed works are not considered to result in a significant harm to visual amenity. As such, the works would accord with Policy DE1 and H5 of the local plan. In considering this recommendation, it is noted that the only matter being considered is the use of materials on the side wall - the applicant has an extant planning permission for the extension, and as such the principle of the extension is not being assessed as part of this application.

REASON FOR DECISION

- The principle of development has been accepted under planning permission HH/2020/1513.
- The proposal does not adversely impact visual amenity and is considered to be acceptable when viewed within the street scene.
- The proposal accords with Policies: DE1 and H5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

SITE DESCRIPTION

The application site is a two-storey semi-detached property located to the north of the Ansty Road, in the east of Coventry. The property has all its permitted development rights intact, and there are no known site constraints which would restrict development on site.

APPLICATION PROPOSAL

Under this application, the applicant is seeking to amend an existing permission granted under application reference HH/2020/1513 for a two-storey side extension. The work on the extension began in the latter part of 2022 and the applicant has erected the ground floor side wall of the extension using two different types of brick, in

a quoin effect. This part of the development faces toward no.87 Gleneagles Road. The proposed works were called in by the enforcement team as it was considered that a breach of condition had occurred. One of the brick types used in the construction of this wall is not considered similar to the existing materials seen on the existing dwelling house and therefore a breach of condition 3 of the original permission has occurred. As such the applicant is seeking to regularise this occurrence through the submission of a Section 73 application for the variation of condition 2 of the permission, which refers to the approved drawings. This seeks to amend the approved drawings, no other conditions will be amended or removed under this application.

PLANNING HISTORY

The only relevant planning application refers to the original application for these works:

Application Number	Description of Development	Decision and Date
HH/2020/1513	Erection of first floor side extension	Granted - 21.07.2020

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 DE1 Ensuring High Quality Design

Policy H5 Managing Existing Housing Stock

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Householder Design Guide

CONSULTATION

Due to the minor nature of the proposed works no consultation was required with any statutory or non-statutory consultees. The enforcement team have been consulted at various points throughout this application process for the purposes of background information and to understand the history of the development, no formal consultation response has been received.

Neighbour consultation

Immediate neighbours were consulted on this application. 7no. letters of objection have been received, raising the following material planning considerations:

- a. The existing brickwork is considered to be of poor design and detracts from the visual amenity of the adjoining neighbour, no.87. The proposal therefore deviates from the character of the area.

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

- a. The principle of the extension and its impact upon neighbouring amenity which could result in the loss of light to habitable windows at no.87. (The development in question has already been approved under application reference HH/2020/1513, therefore, the principle of development cannot be reconsidered).
- b. Comments have also been raised in relation to the lack of any neighbour notification on the original application. (Historic consultations are not relevant to the determination of a new application as the historic application has already been determined - for the avoidance of any doubt however, consultation was carried out on that application in accordance with our Statement of Community Involvement and statutory requirements).

Any further comments received will be reported within the late representations document.

APPRAISAL

The main issue in determining this application is the impact upon visual and neighbouring amenity.

Impact upon visual and neighbouring amenity

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect

areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.” Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites.

The Coventry Local Plan was formally adopted on 6th December 2017. 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;
- b. are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c. 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);
- d. 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;
- e. 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
- f. 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).”

As the principle of the extension has been established under application reference HH/2020/1513, this cannot be reconsidered in the determination of this application. Given the applicant is seeking to vary a condition which would amend the approved drawing numbers, the only matter to be considered by Planning Committee are those amendments to the drawings to allow the materials used to be retained.

The applicant has used two brick types in the construction of the side wall of their extension. This wall overlooks the entrance to no.87 Gleneagles Road. The condition from the original decision notice which has been breached is condition 3, this condition reads as follows:

'Other than where specified on the approved plans, no facing and roofing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.'

In construction of this wall, the two brick types which the applicant has used are Ibstock Tradesman Heather (reflective of the existing dwelling house) and Ibstock Mercia Rustic Orange. The bricks have been laid out in a quoin fashion in construction with those bricks considered similar to the existing dwelling house, only used on the edges of the proposal. As such, these works are considered to breach the aforementioned condition as not all the materials reflect the original dwelling. As the applicant had not specifically referenced these materials in their previous application, a breach of condition has occurred.

The Householder Design Guide SPD is the document by which the Local Planning Authority should be guided in making decisions on householder developments. In reference to side extensions, this document states:

'Facing materials should normally complement the existing dwellinghouse'

However, at the time this application was first submitted, in January 2023, the adopted SPG relating to householder developments was the Extending Your Home SPG, this made a similar point in relation to design, stating:

'Proposals must be sympathetic and complimentary to their surroundings'

This emphasises the point made that the updated guidance clearly addresses the need for proposals to be in keeping with the character of the area, and not be detrimental to visual amenity. The section of Gleneagles Road is largely defined by semi-detached properties with driveways to the side of each property. As time has progressed, extensions to properties have become more common, however, due to the distinct character of the estate, use of similar materials has always been advised due to the uniformity of dwelling houses.

The use of two different brick types is in such a location that is visible within the street scene, it is also noted that it is visible from the entrance of no.87 Gleneagles Road. With this in mind, it is recognised that there will be some impact upon visual amenity. However, in the view of the officer this is not considered to be significant or detrimental to visual amenity, when viewed in accordance with the extension as a whole and existing brickwork, including that which exists at no 87 Gleneagles Road. Consideration should also be afforded to the use of this area as a driveway, which does mean that the parking of cars in front of the wall will help to obscure its visibility.

The officer has discussed potential solutions with the applicant, these have included the treatment of bricks with dye to create a similar outlook as the existing bricks. The installation of render has also been suggested. Whilst the applicant has advised that

they would be able to dye the bricks, the Local Planning Authority have decided that they cannot condition this, as the neighbouring property have advised that they would be unwilling to let the neighbour onto their land to carry out these works. Whilst this is a civil matter, it is not considered to be appropriate to condition works to be carried out which the applicant may not be able to do because of circumstances which are not within their control. The Local Planning Authority have given the neighbour an option to allow for the bricks to be dyed, however, as this has not been agreed, an additional condition has not been added to achieve this, and as such the only amendment is to the approved drawing numbers, within condition 2.

It is worth noting that this permission will only allow the applicant to retain the wall in its current form by way of showing the materials used in the construction of the side wall on the drawings. In all other parts of the extension, the applicant will be required to use materials similar in appearance to those used in the existing dwelling house in accordance with the condition 3 imposed on the previous application and which would be reimposed by this application should it be approved in its recommended form.

Other Matters

During the application process, complaints have been made regarding the principle of the original application (HH/2020/1513) and the lack of communication when the original application was submitted. It should be noted that our records show that there was a letter sent to all adjoining neighbours previously, and no letters have been returned. Communications are sent out in good faith through the Royal Mail's postal service. The principle of the extension is already accepted by the Local Planning Authority and therefore we cannot consider this in the assessment of this application.

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;
- b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c. 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

In view of the existing works, the development is not considered to have a significant or detrimental impact upon neighbouring amenity, particularly when viewed in the context of the whole extension once built and existing brickwork on this and adjacent properties. The proposed development would therefore accord with Policy DE1 and H5 of the local plan, and the Householder Design Guide SPD. As such, the variation to Condition no.2 is considered to be acceptable, as such, this is the recommendation to Planning Committee.

CONDITIONS/REASONS

1.	The development hereby permitted shall begin not later than 3 years from 15/09/2020, the date of the decision for HH/2020/1513
Reason	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
2.	The development hereby permitted shall be carried out in accordance with the following approved plans: KADS 85GER HP002 - A (sheet 1); KADS 85GER HP002 - A (sheet 2);
Reason	<i>For the avoidance of doubt and in the interests of proper planning</i>
3.	Other than where specified on the approved plans, no facing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.
Reason	<i>To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.</i>
4.	Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory instrument amending, revoking and/or replacing that Order, the garage door proposed to the front elevation of the side extension as indicated on plan number KADS 85GER HP002 - A (sheet 2); shall be retained in strict accordance with those details and shall not be altered or removed in anyway without the prior grant of planning permission by the Local Planning Authority.
Reason	<i>Having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent properties. Therefore, no additional development is to be carried out without the permission of the Local Planning Authority in accordance with Policies H3 and DE1 of the Coventry Local Plan 2016</i>