

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2023/0001648/RVC
<b>Site:</b>	35 & 37 Stanley Road, Coventry, CV5 6FG
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Erection of single storey detached structure (Variation of condition 2 - approved plans imposed on planning permission FUL/2019/2617)
<b>Case Officer:</b>	Richard Edgington

## SUMMARY

The application under consideration relates to the variation of Condition 2 attached to planning application FUL/2019/2617 which was granted on appeal for the erection of a single storey outbuilding. The outbuilding has been constructed and internal works are ongoing (at the time of writing), however there have been amendments to the proposals which this application seeks to regularise.

## BACKGROUND

The site has been subject to a relatively extensive planning history, having been in use for a number of years as a hostel and more recently has been converted into residential accommodation in the form of four residential flats with a shared amenity space to the rear. The building has been subject to improvement and alterations over time, with the most recent development within the site being the erection of the outbuilding granted under the appeal referenced above.

There is noted to be concern with the use of the proposed outbuilding by neighbouring occupiers, and as a result of the objections raised the application has been referred to planning committee.

## KEY FACTS

<b>Reason for report to committee:</b>	The application has been referred to planning committee as more than five objections have been received.
<b>Current use of site:</b>	Residential
<b>Proposed use of site:</b>	Residential
<b>Parking provision</b>	Not applicable (Ancillary accommodation)

## RECOMMENDATION

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

## REASON FOR DECISION

1. The proposal is acceptable in principle.
2. The proposal will not adversely impact upon the amenity of neighbours.
3. The proposal will not undermine the character and appearance of the area.
4. The proposal accords with Policies: DE1, H5 and AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## SITE DESCRIPTION

The application site relates to two post war dwellings which have historically been in use as a hostel, although planning permission was granted under application R/2009/0683 for the conversion into four flats. The property is understood to have been subject to extensive fire damage in 2014, and subsequently re-constructed in part and refurbished. The property since the refurbishment has been in use as four flats.

As set out in the planning history below, the site has been subject to further planning applications, one of which was to create a single storey dwelling to the rear of the garden which was refused by the Council. An application to create the detached outbuilding was also refused by the Council but granted on appeal, subject to conditions. This appeal scheme has been partially implemented.

The site is currently occupied and is primarily accessed from the front of the dwelling within Stanley Road. There is however a side access gate which is served by the public footpath which runs between the application site and No. 39 to the east, providing a direct link from Stanley Road to Providence Street to the north, this path benefits from being lit. No off-street parking is provided within the site, given the nature of the built environment/surrounding streets there is a primary reliance on on-street car parking.

The application site now lies within the Earlsdon Conservation Area, which was enacted on 21<sup>st</sup> November 2022. With this exception there are no other overarching site constraints which are relevant in the determination of this application.

## APPLICATION PROPOSAL

The application as proposed seeks consent for the variation of the previously approved plans to alter the appearance/elevation of the outbuilding. The key changes proposed include the removal of the garage style door and two windows to the front elevation in place of large bi-folding doors and an amended single door location, again within the front elevation of the outbuilding.

## PLANNING HISTORY

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

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
PL/2023/0000324/RVC	Submission to Variation of a Condition 2 (elevations) pursuant to LPA ref: FUL/2019/2617 allowed at appeal APP/U4610/W/19/3243199	Withdrawn 01.12.2023
PL/2023/0000649/RVC	Variation of condition 2 - plans: imposed on planning permission FUL/2021/3350 for the erection of a single-storey rear extension to increase the size of Flat 2 from a one-bedroom flat to a two-bedroom flat granted on 22/02/2023	Withdrawn 03.11.2023
FUL/2021/3350	Erection of a single-storey rear extension to increase the size of Flat 2 from a one-bedroom flat to a two-bedroom flat	Granted 22.02.2023
DC/2021/2257	Submission of details to discharge condition: 3, Materials imposed on planning permission FUL/2019/2617 for The erection of a single storey storage	Granted 10.09.2021

	building to the rear of the garden in connection to the flats and linked to planning permission R/2009/0683 to provide cycle, motorcycle store for residents granted on 16.3.2020   Historic Reference: FUL/2019/2617	
FUL/2020/2928	Erection of a one-bedroom dwelling to the rear of 35 - 37 Stanley Road.	Refused 28.01.2021
FUL/2019/2617	Erection of single storey detached structure	Refused 02.12.2019 <u>Granted on appeal</u> <u>16.03.2020</u>
R/2009/0683	Change of use from hostel to four flats. (Historic Reference: 30227F)	Granted 24.07.2009

## RELEVANT PLANNING POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF) December 2023. 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 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy  
 Policy HE2: Conservation and Heritage Assets  
 Policy H5: Managing Existing Housing Stock  
 Policy DE1 Ensuring High Quality Design  
 Policy AC3: Demand Management  
 Policy AC4: Walking and Cycling  
 Policy EM2: Building Standards  
 Policy EM7 Air Quality

### Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD New Residential Design Guide  
 SPD Coventry Connected  
 SPD Householder design guide

## CONSULTATION

Conservation: No objection.

**Neighbour/Third Party Representations:** Immediate neighbours and local councillors have been notified; a site notice was posted on 15<sup>th</sup> December 2023. A press notice was displayed in the Coventry Telegraph on 7<sup>th</sup> December 2023.

6 letters of objection have been received, including one multi-signature letter with 19 signatories, raising the following material planning considerations:

- a) Lack of information with the changes proposed
- b) Changes appear incongruous and more akin to a residential dwelling
- c) WC has been installed within the building
- d) Removal of roller shutter will increase security/crime issues
- e) Loss of privacy
- f) Increase in noise and disturbance
- g) Light pollution emanating from the glazed elevation

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

- h) Building appears to contain a boiler heating system
- i) The internal walls have been plastered and painted
- j) Building will be used as a residential dwelling
- k) Enforcement action should be taken against the breach of control
- l) Building will likely be used as a short term let
- m) Applicants have disregard for the appeal decision
- n) Poor design for a new dwelling

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/conservation area, the impact upon residential amenity and highways (cycle provision), other matters include issues in relation to Japanese Knotweed.

### **Principle of Development**

Paragraph 11 of the NPPF (2023) sets out the presumption in favour of sustainable development. Policy DS3 of the adopted Local Plan is consistent with the NPPF and sets out that development proposals/applications that accord with the policies in the Coventry Local Plan (and, where relevant, with policies in supporting plans) will be approved without delay, unless material considerations indicate otherwise.

In this instance the application site relates to an outbuilding which lies within the curtilage of residential accommodation in the form of four flats. The principle for the structure within the curtilage of the dwelling is acceptable both under Policy H5 of the adopted Local Plan, which supports enhancements to the existing housing stock, and most notably under the previous appeal decision which granted planning permission for the erection of the outbuilding, subject to conditions.

The conditions which were appended to the decision included the development being carried out in accordance with the approved plans, the commencement of the works being implemented within three years of the date of the decision (i.e. by 16<sup>th</sup> March 2023), details of the materials being submitted to and approved in writing by the Local Planning Authority, a condition requiring the building to be ancillary accommodation only and the securing of mitigation for Japanese knotweed. The scope of this application relates solely to the variation of condition 2 and the list of approved plans to supplement 'Drawing No DWG 01 – elevations and floor plans' with 'Drawing No DWG 01 **A** – elevations and floor plans'. All other conditions remain relevant for the consent, although the time limit is now removed due to the fact that the development has commenced on site.

## Design & Character

Paragraph 135 of the NPPF (2023) sets out that planning decisions should ensure 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 139) “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes’.

Coventry City Council has an adopted Householder Design Guide SPD (2023) which sets out key design principles to aid the consideration and requirements of extensions and alterations to dwellings. Of relevant in this case is principle 7 which relates to the provision of garden and outbuildings. The adopted SPD states that;

- Garden buildings/ sheds should be proportional to the scale of the associated dwellinghouse and plot.
- Garden buildings/ sheds should be sited so they do not result in visual intrusion, overshadowing, overlooking or loss of privacy to neighbouring properties.
- Care needs to be taken on corner plots to ensure that buildings are not located in a prominent position where they could adversely impact on the character of the area.
- Garden buildings/sheds/ outbuildings should only be used for purposes incidental to the use of the dwellinghouse and should not be used for commercial purposes or living accommodation.

In this case, as set out within the council’s previous assessment for the outbuilding there is some concern as to the scale of the proposed outbuilding within the curtilage of this site. However, the inspector in making their decision considered that this scale and massing would be acceptable for the plot. As a result, it is not within the scope of this application to further consider the scale and massing of the outbuilding. The LPA considers that the ancillary use of the building remains essential to the development being acceptable and as indicated this condition is again appended to the decision of this variation of condition application.

The assessment here therefore relates to the visual impact of the proposed changes to the elevation. The changes include the installation of a bi-fold door and re-siting of the single door,

removing the previously approved roller shutter door and two windows which were on the approved plans.

In making this change and considering Principle 7 it is not considered that the creation of a window in the same location as an existing opening at ground floor level will increase any visual intrusion or loss of privacy to neighbouring dwellings, the visual relationship between the outbuilding and neighbouring units will remain largely the same and would not give rise to additional overlooking issues which would warrant refusal of the application.

Notwithstanding, in making this assessment the case officer considers that a bi-folding door arrangement appears more suitable for a residential environment than having a large extent of garage door facing within the shared rear amenity space. From the submitted plans the internal arrangement remains the same with storage units provided for the flats, together with cycle hoops.

Whilst it is noted that objections have been received from residents indicating that the design of the proposal will result in visual harm to the character and appearance of the area, it should be noted the site is bound by high level boundary treatments and at the level in which the elevational details are visible there are minimal viewpoints from around the site within the public highway. Instead, the only visual sightlines to the site are from upper floors of neighbouring dwellings, and the provision of a glazed outbuilding structure is not unusual for residential accommodation and is more popular with home offices and other structures being more commonly found within the curtilage of dwellinghouses. Overall, therefore, the design of the proposed outbuilding as amended is not deemed to give rise to design and character concerns which, in the view of the case officer, would warrant refusal of the application.

### **Impact on the Conservation Area**

The application site lies within the Earlsdon Conservation Area, when the previous applications were determined the site was not within the Conservation Area. In accordance with Policy HE2 of the adopted Local Plan (2016) and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 the LPA has a duty to have special regard for designated heritage assets, in this case the conservation area, and identify any harm associated with development proposals, and where appropriate set out any public benefits to outweigh such harm.

In this case the changes to the elevation of the outbuilding on a modern structure within the curtilage of the existing building are not considered to give rise to a level of harm to the conservation area. As such there is no requirement to offset any harm against the public benefits of the development proposed. In undertaking this assessment, the LPA has fulfilled the requirements as set out under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, it should also be noted that the Conservation Officer has also been consulted and raises no objections to the amendments to the application.

### **Impact on Residential Amenity**

Paragraph 135 of the NPPF requires developments to not give rise to detrimental impacts to the amenity of neighbouring residents, or indeed future occupiers of the site, Policies H5 and DE1 of the adopted Local Plan are consistent with the NPPF in this respect.

In this case there have been a number of objections received to the application due to the impact the change to the elevations will have upon neighbouring occupiers. A number of the responses received indicate that there will be a loss of privacy as a result of the change of elevation. However, when considering the impact, the previous application allowed for an ancillary garage with a large door, there is not deemed to be a material change for the use of the outbuilding as

ancillary accommodation, as occupiers could reasonably use the garden space in a similar ancillary fashion to the outbuilding.

Concern has also been raised that the increased level of glazing will increase light pollution due to the reflection of day/sunlight from the elevation to the neighbouring elevations. It is considered that this issue is unlikely and given that the materials are not reflective glazing there will not be an unacceptable level of light or glare arising from the site which would be of detriment to neighbouring dwellings.

The other key issue which has been raised is that the removal of the shutter will increase the risk of crime in the area as bicycles and other stored items will not be afforded the same level of security. However, as ancillary storage the doors which have been installed appear to have domestic grade security, i.e. lockable doors. There are also high boundary treatments and a light alleyway/security to the gate which all provide sufficient mitigation against any risk to crime, in assessing the impact the case officer deems this to be neutral as a result of the changes.

Another consideration however is the impact of noise associated with the site. Whilst concern has been raised within the consultation as to the use of the building for more intense purposes, there is no evidence to suggest the ancillary accommodation would generate more noise. Indeed, the removal of the garage style door could be seen to have a betterment on noise as a domestic bi-folding door when in use would be quieter than garage doors, particularly of a roller style which generate more background noise.

In considering the changes, it is not considered that the changes to the elevation would give rise to adverse impacts to the amenity of neighbouring occupiers, when considering existing/future occupiers of the site, the plans show the same internal layout of the building, i.e. with cycle hoops and storage units for each flat. This is deemed to be acceptable for ancillary storage in accordance with the inspector's decision, the application is therefore acceptable in this regard.

### **Highway Considerations/Cycle Parking Provision**

As previously indicated, the layout of the outbuilding retains the provision of the four-cycle hoops, one for each flat within the site. Policy AC4 of the adopted Local Plan supports the provision of cycle improvements, and Policy AC3, through Appendix 5 of the Coventry Connected SPD, requires cycle storage to be provided in accordance with the standards set out in the SPD. In this case the four spaces are retained as previously approved and as such the impact in this respect is neutral and would not warrant refusal.

### **Other Matters**

It should be noted the Condition 5 attached to the original application required details of the Japanese Knotweed and associated remediation strategy and confirmation to be submitted to and approved in writing by the Local Planning Authority. At the present time, this application has not been discharged, nor has an application been submitted. However, the case officer has discussed this issue with the applicants and has had verbal confirmation that the works have been undertaken and the necessary remediation and verification reports are available. The case officer has therefore agreed with the applicants that a discharge of condition application be submitted at the earliest opportunity to allow this to be considered by relevant consultees and the LPA for determination. Any updates to this will duly be reported to planning committee through late items. However, at this stage the condition remains in place and details therefore still required.

### **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

Overall, the variation of condition as proposed is not deemed to give rise to adverse impacts to either the character of the area/conservation area or indeed existing and future residential occupiers either adjacent to or within the site, thereby according with Paragraph 135 of the NPPF (2023) and Policies H5, DE1 and AC4 of the adopted Local Plan and the Householder Design Guide SPD (2023). For the reasons set out it is recommended that the variation of condition is approved and the remaining conditions from the original application are appended.

### CONDITIONS/REASON

<b>1.</b>	The development hereby permitted shall be carried out in accordance with the following approved plans:  Location Plan – 1:1250 Block Plan – 1:500 Drawing No DWG 01 A – elevations and floor plans (Revised)
<b>Reason</b>	<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>
<b>2.</b>	The building hereby permitted shall be used solely for the purposes of storage in connection with the enjoyment of the premises at 35 – 37 Stanley Road and shall not be used for primary living accommodation or for the purpose of any trade or business.
<b>Reason</b>	<i>To ensure that the outbuilding is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DE1 and EM1 of the Coventry Local Plan 2016</i>
<b>3.</b>	Within 28 days of the issuing of this decision an Invasive Non-Native Species Protocol (INNSP) shall be submitted to and approved in writing by the Local Planning Authority. The INNSP shall detail the timing and method of containment, control and removal of Japanese Knotweed from the site. The development shall only proceed only in full accordance with the measures identified in the approved INNSP.



<b>Reason</b>	<i>To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2016 and the advice contained within the NPPF 2023.</i>