

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2024/0002068/HHA
<b>Site:</b>	35 Malvern Road, Coventry, CV5 8LA
<b>Ward:</b>	
<b>Proposal:</b>	Proposed single storey side and rear wrap around extension and first floor rear extension
<b>Case Officer:</b>	Yeuk Lam

## SUMMARY

The application proposes a single storey side and rear wrap-around extension and first floor rear extension. The overall proposal complies with the SPD Householder Design Guide and Coventry Local Plan 2017, together with the aims of the NPPF, therefore, the proposal is recommended for approval.

## BACKGROUND

A single storey side extension to the dwelling was approved in 2016, which extended to within 1m of the side boundary of the property. A larger side and rear extension was refused earlier in 2024 due to the detrimental impact upon neighbour amenity and visual amenity.

## KEY FACTS

<b>Reason for report to committee:</b>	The proposal received more than 5 objections
<b>Current use of site:</b>	C3 dwellinghouse
<b>Proposed use of site:</b>	C3 dwellinghouse

## RECOMMENDATION

Planning Committee are recommended to **GRANT** planning permission subject to conditions.

## REASON FOR DECISION

- The proposal is acceptable in principle and complies with the SPD Householder Design Guide.
- 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 of the Coventry Local Plan 2017, together with the aims of the NPPF.

## SITE DESCRIPTION

35 Malvern Road is a two storey end terrace property located in a corner plot in a wholly residential area in Sherbourne. The property has an existing rear extension measuring 4.0m in depth. The main amenity space is to the side and rear of the property with a 2.0m high boundary fence surrounding the site.

Adjoining neighbour no. 37 Malvern Road has an existing 4.0m deep rear extension.

There are no significant level changes within the area.

The site has an approved application for side and rear wrapped around extension in 2016 (reference: HH/2016/0838).

### **PROPOSAL DESCRIPTION**

The proposal seek consent for a ground floor side and rear wrap around extension and a first floor rear extension.

The ground floor wrap-around extension will project 3.4m to the side and 4.0m to the rear. The side extension will be set back from the principle front elevation and the whole ground floor side and rear extension will feature a hipped roof.

The first floor rear extension will project 3.0m to the rear. The first floor rear extension will feature a twin gable roof.

No change of use of the property is proposed.

### **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>
HH/2016/0838	Single storey extension to the side and rear of the existing dwelling house	Granted Conditions 11/05/2016
PL/2024/0001405/HHA	Single storey side extension, single storey and two storey rear extension	Refused 16/10/2024

### **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".

Consultation was recently carried out seeking views on the Government's proposed approach to revising the NPPF. It also sought views on a series of wider national planning policy reforms. The consultation closed on 24<sup>th</sup> September 2024.

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 2017, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DE1 Ensuring High Quality Design

Policy H5: Managing Existing Housing Stock  
Policy DS3: Sustainable Development Policy

**Supplementary Planning Guidance/ Documents (SPG/ SPD):**  
SPD Householder Design Guide

**CONSULTATION**

**Neighbour consultation**

Neighbour notification was sent in accordance with the Communications Record.

5 letters of objection have been received, raising the following material planning considerations –

- Overlooking or loss of privacy.
- Loss of light and overshadowing.
- Visual impact upon street scene.
- Potential increase of parking – there is no change to current parking arrangement as the property will remain as a C3(a) dwelling house.
- Potential HMO – *this is not a change of use application and planning permission would be required to convert the property into a HMO, as the site lies within the HMO article 4 area.*
- Disruption and noise created by building work.

And non-material consideration -

- Impact on house prices – *not a material planning consideration.*

**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**

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.

This proposal is the revised scheme of the previous refusal and this revised scheme has overcome the previous refusal reasons and is considered acceptable and in accordance with Policy DE1 and the Householder Design Guide SPD.

### **Impact on visual amenity**

Paragraph 131 in Section 12 of the NPPF (2023) states that ‘*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*’. This is echoed by Policy DE1 and H5 of the Coventry Local Plan 2016 which seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

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.

Paragraph 131 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The National Planning Policy Framework, paragraph 135 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 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”.

Policy H5 states that the existing housing stock will be renovated and improved, in association with the enhancement of the surrounding residential environment and to meet local housing needs.

The site is located on a prominent corner plot where Malvern Road meets Sussex Road.

The SPD states that on corner plots extensions will be considered in the context of openness and character of the plot in relation to the surrounding area and the scale of the extensions relative to the existing dwelling. In order to achieve this, the SPD requires that extensions should –

- *Deliver a width of extension which is proportionate to the width of the original dwellinghouse.*
- *Not infringe upon any established relevant building lines in the immediate vicinity.*
- *Maintain a minimum distance of at least 2.0m (measured at the narrowest point) between the edge of the side extension and the boundary.*

The site has an approved application for side and rear wrap around extension in 2016 (reference: HH/2016/0838). The approved application established that the single storey side extension is acceptable despite only 1.0m being retained between the edge of the side extension and the boundary due to the 2.0m close boarded fence creating a sense of enclosure. As the projection of the proposed side extension is the same as the approved side extension in 2016, the side extension is considered acceptable.

The proposed ground floor rear extension is 4.0m in depth and will have the same depth of the existing rear extension and will only be partially visible from street scene due to 2.0m high fence. Therefore, the proposed ground floor extension is considered acceptable.

The first floor rear extension will project 3.0m from the original rear wall, which has been reduced by 0.7m from the previous refusal application (reference: PL/2024/0001405/HHA). Although the first rear extension will still feature a twin gable roof, considering the depth is now 3.0m instead of 3.7m, the visual impact on street scene would be significantly reduced. Therefore, the proposal is considered acceptable and should not have a detrimental impact on the visual amenity of street scene.

The overall proposal is considered proportionate to the original dwelling house and the design is considered acceptable.

### **Impact on residential amenity**

The Householder Design Guide SPD states: *‘The depth of the extension should not exceed a projection of 4m along the boundary or impinge an imaginary 45-degree line taken from the centre of the neighbour’s closest habitable rear facing window (whichever gives the greater depth) subject to ground levels and orientation.’*

The adjoining neighbour has an existing 4.0m depth single storey rear extension. The proposed ground rear extension is 4.0m deep same as the existing, therefore, the proposed ground extension will not infringe the 45-degree sightline from the adjoining neighbour and is considered in accordance with the Householder Design Guide SPD.

The first floor rear extension will project 3.0m from the original rear wall, which has been reduced by 0.7m from the previous refusal application. The extension will not impinge the 45-degree sightline from the adjacent neighbour’s habitable room’s window. Therefore, the extent of projection of the proposed first floor extension is considered acceptable.

Neighbours have objected regarding the potential overlooking or loss of privacy and overshadowing and loss of light. However, officers do not consider that it would be the case as the proposal will not have any side facing windows on the first floor, the extension will be located to the north of the adjoining neighbour and will not extend beyond the neighbour's extension.

A couple of neighbours have objected due to noise / disruption during construction but this is an inevitable result of any development and does not warrant refusal of the application.

### **Amenity Space**

Policy DS3 of the Coventry Local Plan is concerned with creating sustainable development, sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs, Policy H3 of the Coventry Local Plan states that new development must provide a high-quality residential environment. A suitable residential environment includes amongst other requirements, adequate amenity space.

The application is for an extension to an existing dwelling. However, as a guide, the Design Guide for New Residential Development (DGNRD) SPD (2022), would require the following external amenity space:

2/3 beds	65sqm
4+ beds	85sqm

The property will have over 100 sqm of amenity space remaining after the proposed development, therefore the proposal complies with SPD and retains sufficient garden area.

### **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 site has a rear access to the rear garage and offers 1no. parking space. However, this proposal does not include any change of use to the existing property, the site will remain as a C3(a) residential dwelling house and planning permission would be required to convert it into a HMO. Furthermore, off street parking would not be affected by the proposal and the proposal will require no additional parking as per the adopted standards in Appendix 5. As such there would be no change to parking arrangements or a requirement to provide additional parking. The proposal would not give rise to highway safety issues.

### **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

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity and visual amenity, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, H5 and DS3 of the Coventry Local Plan 2017, together with the aims of the NPPF.

### CONDITIONS/REASONS

<b>1.</b>	The development hereby permitted shall begin not later than 3 years from the date of this decision.
<b>Reason</b>	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
<b>2.</b>	The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan Proposed plans and elevations DWG 2321/0/E Existing plans and elevations DWG 2321/2/0
<b>Reason</b>	<i>For the avoidance of doubt and in the interests of proper planning.</i>
<b>3.</b>	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.
<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 2017.</i>

<b>4.</b>	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, no first floor windows or openings shall be formed in the south-west facing elevation of the extension hereby permitted, without the prior grant of planning permission by the Local Planning Authority.
<b>Reason</b>	<i>In the interests of the amenities of the occupiers of nearby properties in accordance with Policy DE1 of the Coventry Local Plan 2017.</i>