

Planning Committee Report	
Planning Ref:	PL/2024/0002336/HHA
Site:	21 Nutbrook Avenue
Ward:	Woodlands
Proposal:	Single storey rear extension
Case Officer:	Grace Goodman

SUMMARY

The application proposes a single storey rear extension to an existing bungalow adjacent to an area of ancient woodland (Pig Wood) which is intended to provide specialist accommodation for the applicants family along with carers accommodation.

BACKGROUND

The application has been recommended for refusal. The application has been called in by a Councillor. The application is a revised proposal following the refusal of a similar application in 2022 which was subsequently dismissed at appeal.

KEY FACTS

Reason for report to committee:	Called in by a councillor
Current use of site:	Residential dwelling
Proposed use of site:	Residential dwelling

RECOMMENDATION

Planning Committee are recommended to refuse planning permission.

REASON FOR DECISION

- The proposal would impact upon the adjacent ancient woodlands (Pig Wood)
- The proposal would be contrary to Policies: GE3 and GE4 of the Coventry Local Plan 2017 and emerging Policies GE3 and GE4 in the Local Plan review.

SITE DESCRIPTION

The application site relates to a detached bungalow located on the southern side of Nutbrook Avenue. The property benefits from onsite parking and a rear soft landscaped garden. The property has been extended to the rear alongside the eastern boundary, with the built development within the site being around 13.5m from the rear boundary. Directly to the rear boundary of the property is Ancient Woodland (Pig Wood)

APPLICATION PROPOSAL

The application proposes a single storey rear extension along the eastern side boundary of the property. The proposed extension would adjoin a previous extension and garage conversion to the side and rear. The proposed extension would project a further 4.5m beyond the existing extension with a width of 6m with a flat roof and 2 roof lanterns creating a maximum height of 3.1m.

PLANNING HISTORY

HH/2022/0871 - Erection of single storey rear extension – REFUSED 28/07/2022 and subsequently dismissed at appeal.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) December 2024. 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 DS3: Sustainable Development Policy

Policy H5: Managing Existing Housing Stock

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation

The Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy H5: Managing Existing Housing Stock

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, and Landscape Conservation

Policy GE4: Tree Protection

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

CONSULTATION

Statutory

None

Non-statutory

Objections have been received from:

- Trees

Neighbour consultation

Immediate neighbours have been notified in accordance with the communication record. No responses were received.

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 visual amenity, impact upon neighbouring amenity, and impact upon ecology and biodiversity.

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 strong 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.”

Design and Visual

Section 12 of the NPPF, specifically paragraph 131 states in part 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 2017 which seeks to ensure that development complement or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The proposed extension is located to the rear of the property where it will not be visually prominent. The flat roofed design of the extension would be a continuation of existing extensions to the rear of the property and would not be an uncharacteristic feature in this residential setting with matching materials to the main dwelling. The extension would not adversely impact on the visual amenities of the locality

Neighbouring 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. Along the shared boundary No. 19 has an existing wooden shed and garage which the proposal would extend past by only 1.6m. It is considered that as the shed is not a habitable room, the extension is towards to the rear of the property and there is no loss light to the main dwelling house of No 19, the proposals will not adversely impact the neighbour at No.19. It is set away from the shared boundary with no.23 so would have very little impact on this property.

Ecology and biodiversity

The main issue is the location of the proposed extension and its close proximity to the boundary with the adjacent ancient woodland (Pig Wood). This application follows on from a similar previous application in 2022 where the proposal was for a rear extension projecting 8m, resulting in a separation distance of just 5.39m to the rear boundary and ancient woodland. The application was refused as it was considered that *'The proposed extension would be contrary to Policies GE3 and GE4 of the Coventry Local Plan 2016 by reason of its significant projection into the woodland buffer to the adjacent Ancient Woodland (Pig Wood), which would impact upon the root structures of these protected trees and would therefore have a detrimental impact upon the adjacent Ancient Woodland.'* This decision was upheld and dismissed at appeal by the Planning Inspectorate.

The current application whilst revised to propose a lesser projection of 4.5m rather than 8m, still raises serious concerns about its impact upon the adjoining woodland as it would be located within the crown spreads and woodland buffer of the adjacent mature Ancient Woodland trees. Policy GE3 states that sites such as Ancient Woodlands should be protected and enhanced and negative impacts on the existing infrastructure should be avoided. Pig Wood is a small ancient wood in the suburbs of Tile Hill where it attains very high social value. Designated on the basis of the high nature conservation value there are also a number of scarce plants and a good bird community add to this value.

The proposed development would project 4.5m to the rear, leaving a distance of only 8.89m to the woodland boundary, which falls well below the recommended minimum 15m buffer zone and is therefore likely to adversely impact on the adjacent ancient woodland. Due to the high value of these protected ancient woodlands, the government recommended buffer is a minimum at 15 metres from the boundary of the woodland. This is stated within the government guidance document 'ancient woodland, ancient trees and veteran trees' standard advice. Building an extension just under 9m metres away from the ancient woodlands has high potential to cause damage to the roots of the trees that sit close to the border by compressing the soil and as a result damage the life of the ancient trees. Whilst it is recognised that normally tree protection areas of 12 times the diameter of the trees is accepted for the root protection areas, the requirement for ancient woodlands is for a minimum 15m buffer zone given the importance of protecting these important historic and ecological features.

It is recognised that alterations have been made to the development since the previous application to ensure the extension is further away from the ancient woodland boundary. However, our position remains the same in that the proposed building should extend no closer to the woodlands than the existing built development on site. Whilst, we have every sympathy with the applicants and understand the need for the extensions, personal

circumstances cannot be given significant weight in reaching a decision, which is the view which was taken by the Inspector when considering the previous application. The inspector had considerable sympathy for the appellant's circumstances, but stated "the courts have generally taken the view that planning is concerned with land use in the public interest. Although personal circumstances can sometimes justify a personal or temporary permission, that would not be appropriate here where a permanent structure is intended. As such these are matters to which I can attach only moderate weight in making this decision"

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 extension would be contrary to Policies GE3 and GE4 of the Coventry Local Plan 2017 and the emerging Policies GE3 and GE4 in the Local Plan review and the principles of the NPPF 2024 by reason of its significant projection into the woodland buffer to the adjacent Ancient Woodland (Pig Wood), which would impact upon the root structures of these protected trees and would therefore have a detrimental impact upon the adjacent Ancient Woodland.