

Appeal Decision

Site visit made on 13 September 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11th October 2016

Appeal Ref: APP/U4610/W/16/3152395

Land off Wood Hill Rise, Coventry, West Midlands CV6 6GW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Hughes of Diamond Construction against the decision of Coventry City Council.
 - The application Ref FUL/2015/3752, dated 17 February 2016, was refused by notice dated 13 April 2016.
 - The development proposed is the erection of 4 No 3 and 4 bedroom dwellings with associated parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 4 No 3 and 4 bedroom dwellings with associated parking at Land off Wood Hill Rise, Coventry, West Midlands CV6 6GW in accordance with the terms of the application, Ref FUL/2015/3752, dated 17 February 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. One of the owners of part of the appeal site has advised that they have decided not to sell their part of the site to the appellant company. The appellant has requested that the appeal is still determined. As ownership issues are a private matter between the relevant parties and not within my jurisdiction they have not had any material bearing on my assessment on the planning issues in this appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The area in the vicinity of the appeal site is characterised by a variety of age and style of buildings. However, the majority of dwellings on Woodhill Rise appear to be modern, semi-detached and are of relatively simple design, but there are detached dwellings mixed within the development. The regular plot widths and set back from the highway gives a consistent rhythm to the character and appearance of Woodhill Rise.
 5. The appeal site forms part of the former gardens of 276a, 278 and 280 Holbrook Lane and the current gardens of 282 and 284 Holbrook Lane. The
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proposal would constitute four detached dwellings located at the western end of one of the spurs to Woodhill Rise. The dwellings would be served by and front an access drive that would be at approximately 90 degrees to Woodhill Rise.

6. The dimensions and shape of the proposed plots and the set back of the dwellings from the access drive would be comparable with other properties on Woodhill Rise. The dwellings would have design details and materials that would be compatible with that of dwellings in the immediate vicinity. The juxtaposition of the front elevation of Plot 4 to the flank wall of 15 Woodhill Rise (No 15) is not repeated within the immediate vicinity of the site.
7. However, there are examples of the rear elevations of dwellings facing flank walls and even though the dwellings would not directly face Woodhill Rise they would front the access drive. Furthermore, the Council does not state that the living conditions of the future occupiers of the dwelling in relation to outlook would be harmed by the juxtaposition of Plot 4 and No 15. I have no reason to form a contrary view on this matter. I therefore consider that the appeal proposal would be compatible with the established pattern and grain of the area and as such would not be overdevelopment of the site.
8. In conclusion the proposed development would not harm the character and appearance of the area. As such it would comply with Policies H12 and BE2 of the Coventry Development Plan 2001 which, amongst other things, require a high standard of design, the density of development should represent the most efficient use of sites consistent with the principles of good design and townscape character should be enhanced by reflecting locally distinct patterns of development.

Other Matters

9. Reference has been made to the planning history of the site and previous planning applications that were refused on the appeal site. I do not have the full details of the circumstances that led to these proposals being refused and so cannot be certain that they represent a direct parallel to the appeal proposal. In any case, I am required to determine the appeal on its own merits.
10. Local residents object to the proposal on a wider basis, including in respect of increased noise from the additional people and traffic, disruption from construction noise and traffic, loss of light and privacy, the need for the houses, drainage capacity and flooding, insufficient parking, children presently play in the street, insufficient access for emergency and refuse vehicles and impact on wildlife and trees/hedges. These did not form part of the Council's reasons for refusal and I am satisfied that these matters would not result in a level of harm which would justify dismissal of the appeal.
11. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
12. While I understand that my decision will be disappointing for some local residents, the information before me does not lead me to conclude that these other matters, either individually or cumulatively, would be an over-riding issue warranting dismissal of the appeal.

Conditions

13. I have considered the conditions put forward by the Council and the consultees on the original planning application against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
14. I have imposed a condition specifying the relevant drawings as this provides certainty. To mitigate the impact of the development on air quality and pollution I have applied conditions in relation to electric car charging points and gas boiler emissions. The condition in relation to materials is necessary in the interests of character and appearance. In the interests of highway safety I have imposed a condition on parking and the site access.
15. To reduce the risk of flooding and ensure that any unacceptable contamination risks to humans, controlled waters or the wider environment are minimised I consider that surface water disposal and decontamination conditions are necessary. Given the residential character of the area, it is appropriate that controls are placed upon the methods of construction. The condition restricting permitted development rights is required in the interests of amenity. Conditions regarding wildlife and trees associated with the site are necessary to safeguard ecological interests and existing landscaping.
16. I have not imposed the proposed condition requiring the finished floor levels to be constructed in accordance with the approved plans because this is already required to be complied with by condition No 2.

Conclusion

17. For the reasons given above, and having regard to all other matters raised I conclude that the appeal should be allowed.

D. Boffin

INSPECTOR

Attached- Schedule of Conditions

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1414-LP, 1414-01-C, 1414-02-A, 1414-03, 1414-04, 1414-05-A, 1414-06.
- 3) Any gas boilers installed on site shall have a dry NO_x emission rate of no more than 40mg/kWh.
- 4) No development shall take place until details of a scheme for the provision of vehicle electric recharge points at a minimum of one per dwelling have been submitted to and approved in writing by the Local Planning Authority. The approved electric recharge point(s) shall be provided prior to the occupation of the dwelling to which they relate and shall be retained thereafter.
- 5) No development shall take place until details of all external facing and roofing materials have been submitted to and approved by the Local Planning Authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 6) None of the dwellings hereby permitted shall be occupied unless and until the access to the site and car parking provision for that dwelling has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwelling and thereafter those spaces shall be retained for parking purposes.
- 7) The development hereby permitted shall only be undertaken in strict accordance with drainage details (incorporating a Sustainable Drainage System (SUDS) if possible) providing a Greenfield run off rate of no more than 5 l/s and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which shall be submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be constructed at first floor level in the north facing side elevation of Plot 4 or the south facing side elevation of Plot 1 as shown on the approved plans.
- 10) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) The development hereby permitted shall be carried out in accordance with recommendations detailed within Section 4 of the submitted Ecological Appraisal by Martin Ecology(March 2016). Prior to occupation of the dwellings hereby approved, the measures identified within the biodiversity compensation plan (figure 1 in the Ecological Appraisal) shall be installed in full and thereafter retained.
- 12) The development hereby permitted shall be carried out in accordance with the Arboricultural & Planning Integration Report (December 2015). The erection of fencing for the protection of any retained tree and any other protection specified shall be undertaken in accordance with the Method Statement for the protection of existing trees in the Arboricultural & Planning Integration Report (December 2015) before any equipment, machinery or materials are brought on to the site, and thereafter maintained until the completion of all construction work and all equipment, machinery and surplus materials have been permanently removed from the site. Ground levels within protected areas shall not be altered, nor shall any excavation be made, nor anything stored or placed within them. For the purposes of this condition a 'retained tree' is one shown in the Arboricultural & Planning Integration Report (December 2015).