

Appeal Decision

Site visit made on 21 November 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 6th December 2016

Appeal Ref: APP/U4610/W/16/3155216

Land adjacent to 47 Ribble Road and Gosford Community Hub

- 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 Omar Shah against the decision of Coventry City Council.
 - The application Ref FUL/2015/4322, dated 17 December 2015, was refused by notice dated 1 April 2016.
 - The development proposed is 2.5 storey residential development comprising of 10 No. 2 bedroomed flats and 3 No 1 bedroom studios.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of No 47 Ribble Road and the users of the Gosford Community Hub (the Hub)¹ taking particular account of privacy;
 - whether or not satisfactory living conditions would be provided for future occupiers of the proposed accommodation taking particular account of outlook and amenity space; and
 - the effect of the proposed development on the character and appearance of the street scene and the locality.

Reasons

Living conditions

3. The appeal site is a roughly rectangular piece of land that adjoins the side boundary of No 47 Ribble Road, an end of terrace house. The proposed building would have three floors of accommodation. It would be sited so that the front elevation would face towards the side boundary of No 47 and would be set back behind the proposed car park and access.
4. The side wall of No 47 contains habitable room windows at ground and first floor separated from its side boundary by a drive with a garage at the end. The front windows of the proposed building would be between some 13.5m and 15.5m away from the side elevation of No 47. The appellant considers this exceeds the requirements of the City of Coventry Design Guidance for New

¹ Referred to on the planning decision notice as the family centre

Residential Development 1991 (the DG) which seeks a minimum of 12m between a side wall and a front elevation. However, I consider that, as there are habitable room windows in the side elevation, the more appropriate criteria of the DG in this case would be the 20m separation sought between existing and proposed windows.

5. The front windows of the proposed building would be to living rooms and bedrooms. Whilst bedrooms may be used in a different way to living rooms this is not always the case and in accordance with the DG need to be regarded as habitable rooms. The habitable room windows in the front elevation of the proposed building would be set at 45 degree angles. Although this would prevent direct overlooking of the windows at No 47 there would still be an unacceptable oblique overlooking of the windows, the drive and the rear garden across the garage roof and boundary wall of that property.
6. The appellant draws attention to an allowance in the DG for the 20m separation distance to be relaxed where the angle between the existing and proposed windows is less than a right angle. However this relaxation, as indicated at Figure 10 of the DG, appears to me to relate to new windows that would be serving non-habitable rooms and so does not apply to the appeal proposal before me.
7. Whether or not the rooms at No 47 have additional sources of light from windows in the front and rear elevations, or whether or not it is unusual for end terrace properties to have habitable room windows in the side elevation, do not lead me to any different conclusion in this regard.
8. The Hub, which provides a nursery and support for those with learning disabilities, adjoins two sides of the appeal site. The windows in the rear elevation of the proposed building would face towards the community garden of the Hub at distances between about 1.5m to 2.8m from the shared boundary. I would agree that a community facility cannot expect the same level of protection from overlooking as a residential property. However, in this case the numbers and heights of the proposed windows in such close proximity to the boundary would result in an unacceptable degree of overlooking of the community garden to the detriment of the privacy of users of that garden.
9. For the reasons set out above I conclude that the proposed development would result in an unacceptable degree of overlooking and loss of privacy for occupiers of No 47 Ribble Road and the users of the Hub garden. Accordingly the proposal would conflict with Policies BE2 and H9 of the Coventry Development Plan 2001 (the CDP), the DG and those principles of the National Planning Policy Framework (the Framework) that seek a good standard of amenity for occupiers of land and buildings.

Living conditions for future occupiers of the proposed building

10. All of the windows for two of the proposed apartments and one of the proposed studios on the ground floor would face the shared boundary with the Hub. As it is likely that there would be some form of solid boundary treatment to provide privacy for occupiers of those dwellings, the outlook from those windows would be poor.
11. The DG indicates that 30 sq m of garden space should be provided for small dwellings and says that where a number of dwellings are involved a range of

garden sizes should be provided. I acknowledge that some future occupiers of small apartments/studios may not wish to have private gardens. Nevertheless, even for a development of this type and where there is open space nearby, garden space within the site, whether private or communal, contributes to providing an attractive residential environment for future occupiers. The L-shaped amenity areas proposed would vary in width from between about 1.5 m to a maximum of about 4.5 m. In my view such amenity areas would be too narrow and awkwardly shaped to provide meaningful useable outdoor space.

12. For the combination of reasons set out above I conclude the proposed development would fail to provide satisfactory living conditions for all the future occupiers of the proposed dwellings. Accordingly it would conflict with Policies BE2 and H9 of the CDP, the DG and those principles of the Framework that seek a good standard of amenity for occupiers of land and buildings.

Character and appearance

13. With the exception of the Hub, Ribble Road is mainly residential comprising two storey terraced dwellings. There is no reason why a modern development cannot be successfully placed within an area of more traditional designs. However, I find that the scale of the building, particularly the roof proportions and the front dormer and rear gable, would appear incongruous and visually intrusive in the locality.
14. Beyond the Hub is Gosford Green an open recreational area. The appeal site is currently under used, not well cared for and some waste is accumulating. Whilst the lack of maintenance would not be a reason for granting permission for an otherwise unacceptable proposal, an appropriate development could improve the character and appearance of the area and make efficient use of the land. However, the proposal would result in the loss of urban green space which has a visual amenity value and no compensatory measures have been proposed. Moreover, the proposed building, refuse and cycle store and parking area occupy most of the site with very little open green space as setting for the building itself or for the street as a whole.
15. For the combination of the above reasons I conclude that the proposed development would appear over intensive, cramped and incongruous and would therefore have a harmful effect on the character and appearance of the street scene and the locality. Accordingly it would conflict with Policies H9 and GE8 of the CDP and those principles of the Framework that require high quality design that respects the character and appearance of the local area.

Other matters

16. I acknowledge that the site was previously owned by the Council and that the sales particulars say that, subject to design proposals, the provision of other supporting information and satisfaction of local policy requirements, a residential development may be acceptable in principle. I have found that the proposed development does not satisfy local planning policies and I find nothing in the sales particulars that would lead me to a different view.
17. The site adjoins the Lower Stoke Railway and London Road Allotments which is a designated Local Wildlife Site (LWS). Although the Council on the appeal Questionnaire lists a document called "The comments of Natural England or details, including relevant extracts, of any protected species standing advice

that has been considered” only comments from the Warwickshire County Council Ecological Services have been provided so for the purposes of this appeal I have relied on these. No objections were raised subject to the imposition of a number of conditions.

18. One of the conditions proposed by the Council seeks the provision of a 2m-3m buffer zone to protect ground flora. Whilst not a determinative factor in relation to this appeal it would appear to me that this buffer zone would be compromised by the positioning of the proposed building at distances of about 1m to 1.5m from the boundary with the LWS as shown on the proposed site plan. Similarly the number of cycle spaces proposed would not appear to be enough to meet a condition suggested by the Council. Whilst not a determinative factor in relation to this appeal it appears to me that providing additional covered cycle storage would further reduce the available amenity space/visual setting of the proposal.
19. I acknowledge that there have been pre-application discussions with the Council. However, this in itself would not be a reason for allowing the appeal and I have exercised my own judgement on the basis of the evidence before me.

Overall Conclusion

20. The appeal site is within the built up area of Coventry with good access to services, facilities and open space. On that basis there would be no objection in principle to residential development of an acceptable design that meets all other planning policies and material considerations and the proposed development would add to the housing stock of the Borough. However, in conflicting with Policies BE2, H9 and GE8 of the CDP the proposal does not comply with the development plan taken as a whole and does not meet all relevant planning policies. For the reasons set out above and taking into account all other relevant matters raised I conclude that the appeal should not succeed.

SDHarley

INSPECTOR