
Appeal Decision

Site visit made on 3 January 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 5th January 2017

Appeal Ref: APP/U4610/D/16/3160992
95 Kenilworth Road, Coventry CV4 7AF

- 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 Darshan Johal against the decision of Coventry City Council.
 - The application ref: HH/2016/1921, dated 25 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is a double garage.
-

Decision

1. The appeal is allowed and planning permission is granted for a double garage at 95 Kenilworth Road, Coventry CV4 7AF in accordance with the terms of the application, Ref HH/2016/1921, dated 25 July 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: OS site location plan at 1:2500 scale, and drawing nos. DA 211732/A, DA 216439 and DA 213960/A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing attached building.

Procedural Matter

2. Whilst the Council refers to the scheme's impact on the Green Belt in its report, I understand that the site is close to, but not within, the Green Belt. Consequently, and as it formed no part of the Council's reason for refusal, I have considered that matter no further.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, including whether or not it would preserve or enhance the character or appearance of the Kenilworth Road Conservation Area.

Reasons

4. The Kenilworth Road Conservation Area ('CA') covers a large, elongated zone along both sides of that road. As well as the wide, tree-lined highway, it includes areas of open space and woodland, and many substantial properties often on large plots concealed amongst trees and landscaping. Given those characteristics I agree with the Council that the CA has a spacious, landscaped and bosky appearance.
5. The proposed double garage would be attached to an existing outbuilding, which formerly provided garaging for the property until it gained consent through the variation of a condition for its conversion to ancillary residential accommodation. The proposed garage would broadly reflect its style and form, and would be faced with matching materials.
6. The garage would be slightly smaller than the existing outbuilding, but with similar ridge and eaves heights at approximately 5.6m and 3m respectively. Although the resultant structure would have a significant footprint, it would be much smaller and far less tall than the host dwelling, which is a substantial two storey detached building. Consequently it would be clearly subservient to it.
7. I observed on my visit that the dwelling sits on a very large plot, and that it is very well-screened from Kenilworth Road by trees. Although the garage would be seen from the road looking down the property's drive, given its limited height, its significant set-back and the presence of trees either side of the drive, it would not be conspicuous, and much of the existing attached structure would remain screened by trees. Any glimpsed views of the garage from the road would be similar to the partially-concealed views of other buildings in this sylvan setting. I therefore do not concur with the Council's view that the garage would appear as a substantial building separated from the host dwelling.
8. The appellant calculates that the garage would have a footprint of approximately 51sqm, and that should the appeal be allowed, 6.3% of the overall site would be covered by the existing dwelling and the extended outbuilding. Given the very small proportion of the overall plot that would be covered by buildings, and my findings above, I conclude that the scheme would not significantly intensify the built form on the site.
9. The Council and the Tree Warden are additionally concerned that the scheme would have the potential to damage trees and hedges on adjoining land – although that was not referred to in the reason for refusal. However, the scheme's rear elevation would be set in from the boundary, and although the side elevation would be close to it, I observed on my visit that significant, large trees in the adjacent woodland are some distance away. Consequently, I am satisfied from the available evidence that the proposal would not impact on landscape features which make a significant contribution to the area's character.
10. Policy BE 2 of the Coventry Development Plan 2001 sets out the importance of high quality design and enhancing townscape character. Policy BE 9 broadly reflects the statutory duty in stating that within Conservation Areas development will only be permitted if it would preserve or enhance its character or appearance, and refers to matters such as scale, design, siting, and impact

on landscape features. For the above reasons the scheme would preserve the character and appearance of the CA, and would not conflict with those policies.

11. Although the officer report refers to the Kenilworth Road Conservation Area Control Plan, I have not been provided with that document and it is not cited in the reason for refusal. In any event, its statement that development entailing the intensification of land use will not generally be permitted, seems to me vague and does not reflect the statutory duty.
12. Although the Council has expressed concern that the whole building could be used as a self-contained unit of accommodation, the drawings show it used as an ancillary guest suite and garage; and non-ancillary use would require planning permission.
13. I have dealt with the proposal before me on its merits, and conclude that the appeal should succeed. Turning to the matter of conditions, I have considered those suggested by the Council against the tests in the National Planning Policy Framework. In addition to the standard time limit condition, in the interests of certainty I have imposed a condition specifying the relevant drawings. A condition requiring the garage to be faced with matching materials is also necessary to protect the area's character.
14. Finally, the Council has suggested a condition requiring that a bat survey be undertaken prior to the commencement of the development. On that matter the consultation response from Warwickshire County Council Ecological Services dated 12 August 2016 states simply 'initial bat survey pre-determination'. However, I have no further information regarding the reason for that request, and as I understand it, it was not passed on to the applicant as the scheme was to be refused on other grounds.
15. The suggested condition states that if bats are found suitable conservation measures should be approved prior to demolition works. However, the proposal is for an extension rather than demolition. The appellant also states that a similar application on the site in 2015 included no such request from the County Council Ecologist, and that the building to which the garage would be attached is modern with no obvious cracks or fissures.
16. I note that the adjacent Wainbody Wood is a Local Nature Reserve. However, although bats are a protected species, based on the information before me, I have very little substantive evidence to conclude that there is a reasonable likelihood of their presence on or near the site, or in particular, that if they are present, they would be adversely affected by the proposal. Consequently, and having regard to Circular 6/2005, including its advice that surveys should only be required by condition in exceptional circumstances, I have not imposed the suggested condition.
17. I have had regard to the site's planning history, but for the above reasons, I conclude that the scheme would preserve the character and appearance of the Kenilworth Road Conservation Area. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR