

Appeal Decision

Site visit made on 24 January 2017

by Andrew Owen BA(Hons) MA MRTPI

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

Decision date: 08 February 2017

Appeal Ref: APP/U4610/W/16/3163069
12 South Avenue, Coventry CV2 4DR

- 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 & Mrs McFadden against the decision of Coventry City Council.
 - The application Ref FUL/2016/0974, dated 4 April 2016, was refused by notice dated 31 May 2016.
 - The development proposed is the removal of existing garage and the erection of new two storey dwelling with associated access and landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the Stoke Green Conservation Area (SGCA) including the trees within it, and the effect of the proposal on protected species.

Reasons

Character and appearance

3. The SGCA primarily encompasses a distinct enclave of houses on the north side of Binley Road identified as Stoke Park on the conservation area plan, and the open space that flanks Binley Road, most extensively on its south side.
 4. Stoke Park mostly accommodates large detached houses in spacious plots, including that at the appeal site. There are a large proportion of houses in Stoke Park that appear to date from the 19th century, including the existing dwelling at No 12, but there are also a number of houses from different periods including a modern 20th century house at No 10. The proposed dwelling would be of a scale and height that is not uncommon in the area and, with the use of traditional finishing materials, I do not consider its design would make the house appear incongruous in its setting.
 5. The proposal dwelling would be built in the garden to the side of No 12. This garden is large and lends a degree of spaciousness to the area. This spaciousness is not particularly noticeable in the South Avenue street scene due to the substantial tree screen on the site's frontage. However it is conspicuous when seen from Binley Road. Indeed this part of the Binley Road
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street scene is characterised by the openness created by the grass verges alongside the road and by the large gardens of the properties in South Avenue, which is only sporadically interrupted by a few dwellings that do address Binley Road, such as that at the appeal site. Accordingly, although the proposed dwelling and the retained dwelling would both have reasonably large plots, the development would diminish the undeveloped and open character of the Binley Road street scene and therefore also the SGCA.

6. In addition, the proposal would include the removal of almost all the trees on the boundary with No 16. These include a number of tall and mature Cypress trees. These are not visible from South Avenue, but are prominent in the Binley Road street scene, and make an important verdant contribution to its character and appearance. The appellant's arboriculturalist comments that the Council's tree officer had stated he would not object to the loss of these trees. However the formal consultation response from the tree officer states that these trees are worthy of protection.
7. Furthermore the tree survey categorises the Cypress trees, together with three holly trees and an apple tree, as A2¹ which means they are trees of high quality mainly for their landscape value. I consider the loss of these trees would have a significantly adverse effect on the character and appearance of the street scene and would add to the harm to the SGCA resulting from the proposal.
8. The proposed driveway would encroach into the root protection zone (RPA) of a Deodar Cedar and one of the trees in G2, as indicated in the Arboricultural Impact Assessment and Tree Protection Scheme. The assessment states the incursion into the RPAs of these trees is less than 20% and therefore would not be likely to affect the vitality of those trees. The Council have not commented on this finding and, on the basis of the evidence before me, I conclude that the construction of the driveway would not be likely to represent a threat to the vitality of these trees.
9. Nonetheless, as a result of the loss of openness and the loss of the mature trees, the development would fail to preserve or enhance the character and appearance of the SGCA. Consequently the proposal would not accord with Policies BE2 and H9 of the Coventry Development Plan (CDP) which seek to secure an enhancement to townscape character, Policy BE9 of the CDP which requires development to preserve and enhance the character and appearance of conservation areas, and Policies GE14 and GE15 of the CDP which aim to retain natural features and trees of value to the locality. The development would also be contrary to the advice in the National Planning Policy Framework (the 'Framework') which requires the protection of heritage assets such as conservation areas.
10. However, the harm to the significance of the SGCA would be less than substantial and therefore it is necessary, in accordance with paragraph 134 of the Framework, to consider any public benefits from the proposal. The development would involve the removal of the existing garage which abuts South Avenue and, though the roof of this building is in need of repair, I do not consider its overall appearance in the street scene is unattractive. Therefore its removal would not be of any significant benefit. Also, the benefit of one house to contribute to the Council's housing target would be limited even if, as suggested by the appellant, the Council do not have a five year supply of

¹ Using the guidance in BS 5837:2012 Trees in relation to design demolition and development

housing. Similarly the economic and social benefit of one house would be limited. Therefore, I do not consider these benefits would outweigh the harm that the proposal would cause to the character and appearance of the SGCA.

Protected species

11. The Council's ecologist advised during the determination of the application that a bat survey should be undertaken as the buildings to be demolished have potential as roosts and the surrounding area is suitable for foraging.
12. The bat survey submitted with the appeal states that no evidence of bats was found at the site and the building to be removed has negligible potential for roosting bats. The survey also found no evidence of any other protected species.
13. The Council have had the opportunity to comment on the survey but have failed to do so and I have no reason to dispute the results of the survey. I therefore must conclude that the development would have no adverse effect on protected species. Accordingly the proposal would accord with Policy GE13 of the CDP which seeks to prevent protected species from harm. However this does not outweigh the harm that the proposal would cause to the character and appearance of the SGCA as set out above.

Other matters

14. I understand that new houses have relatively recently been built within Stoke Park. I have been provided with little information on these examples, however none of them are seen in the Binley Road street scene, and it is the effect of the proposal on this part of the SGCA that is particularly harmful in this case.
15. Whilst I acknowledge the saved CDP policies do predate the Framework, I consider they are generally consistent with the Framework and can be given considerable weight.

Conclusions

16. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR