

Appeal Decision

Site visit made on 23 January 2017

by Jonathan Price BA(Hons) DMS DipTP MRTPI

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

Decision date: 17th February 2017

Appeal Ref: APP/U4610/W/16/3161868
69-71 Hearsall Lane, Coventry CV5 6HF

- 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 Mrs Carole Wells against the decision of Coventry City Council.
 - The application Ref FUL/2016/1859, dated 10 July 2016, was refused by notice dated 3 October 2106.
 - The development proposed is rebuild of existing commercial building to form 5 number student flats.
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Decision

1. The appeal is allowed and planning permission is granted for rebuild of existing commercial building to form 5 number student flats with 28 bedrooms for up to 32 occupiers at 69-71 Hearsall Lane, Coventry CV5 6HF in accordance with the terms of the application, Ref FUL/2016/1859, dated 10 July 2016, subject to the conditions set out in the Schedule attached to this decision.

Preliminary Matter

2. The description of the proposal in the appeal was amended from that set out in the application to specify the provision of 28 bedrooms for up to 32 occupiers. The amended description is applied in this decision.

Main Issues

3. The main issues in this case are i) whether acceptable living conditions would be provided for future occupants, with particular regard to outlook and ii) the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions for future occupiers

4. The block of student flats would replace an existing commercial building and maintain the terraced nature of development along this street. The housing to the rear of the site is at a higher level and so the scheme involves a vertical retaining wall around 5m high along the back boundary which the rear ground and first floor windows would face onto at a distance of some 4m.
 5. The Council's guidance requires a 12m separation between the front or back of one dwelling and the side of another. However, I am persuaded that this standard applies mainly to protect the living conditions of existing occupiers and is more relevant to the consideration of suburban housing layouts, with private gardens, and is less applicable to this proposal for student flats.
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6. The open area to the rear would be a communal shared space and the proposal indicates the retaining wall would be planted as a living surface, examples of which are provided, which might be secured through a condition. The flats would have a southerly rear aspect and, although the distance to the retaining wall would be only slightly more than 4m, the sunlight and daylight the open space would provide, coupled with the view of greenery on the wall, would offer acceptable living conditions for the future occupiers.
7. The proposal would therefore comply with Policy H9 of the Coventry Development Plan 2001 (CDP) in respect of windfall housing developments providing an attractive residential environment.

Character and appearance

8. The proposal maintains the building line and terraced form of the adjacent buildings and provides a stepped reduction in roof height. This would provide the appropriate transition between the existing three-storey student flats and the two-storey terraced housing which are on either side of the appeal site. I do not agree that the lowered eaves level that secures this drop in roof height would appear visually awkward or that the section of the building adjacent to the two-storey terraced housing would either look unduly unbalanced or read poorly in comparison.
9. The bays and doors on the front elevation of the proposed flats would appear to be only slightly lower than those on the adjacent terrace houses and fit in acceptably with these. The lower part of the proposed flats would still have a higher eaves level than the adjacent terraced houses but I see no visual harm arising from this, as it would form part of the graduated reduction in roof heights.
10. There is a gap between the proposed and existing flats and the elevational treatment of the proposal would provide sufficient interest to the resulting run of built form along the street. The evidence suggests the opportunity to negotiate further design enhancements, such as the addition of chimneys, had not been pursued by the Council in advance of its decision. However, as submitted, the design, scale and massing of this scheme would enhance the townscape and provide a high standard of design appropriate to the street scene in this location and thereby satisfy the relevant parts of CDP policies H9, H12 and BE2.

Other Matters

11. Consideration has been given to the further concerns raised by interested parties. A high density residential development would be compatible with surrounding uses and appropriate in this location, close to the city centre and with good public transport provision. This would outweigh the need for this particular site to be retained for employment purposes.
12. Adequate space would be provided to store cycles and there is no evidence to persuade me that the lower level of car ownership likely to result from student accommodation, in an area with a frequent bus service, could not be accommodated in the immediate area without causing material harm to the living conditions of nearby residents or the safety and convenience of other road users.

Conditions

13. The Council has not recommended any conditions but consideration has been given to those suggested by consultees. In addition to the standard time limit for commencement a condition is necessary specifying the plans to which this permission relates, in the interests of certainty.
14. In the interests of the living conditions of occupiers of the housing at the rear of this development a condition is necessary that the rear facing second floor windows to the shared lounge and shower room be obscure-glazed and non-openable above 1.7 metres. A condition is required to secure the provision of cycle storage in order to encourage sustainable travel and reduce the demand for car ownership.
15. In the interest of the satisfactory outlook from rear-facing windows a condition secures the provision of planting on the retaining wall at the back of the development. To deter parking on the adjacent footway a condition requires the existing site access to be removed. To address any site contamination a condition addresses this eventuality. As this proposal provides accommodation close to a busy road, a condition requires adequate sound insulation to rooms.

Conclusion

16. For the reasons set out above, and having taken into consideration all other matters raised, I conclude that the appeal should be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions
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69-71 Hearsall Lane, Coventry CV5 6HF

- 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: Existing and Proposed Elevations DWG:7816-15, Existing and Proposed Rear Elevations DWG:7816-27 A, Ground Floor Plan DWG:7816-24 B, First Floor Plan DWG:7816-25, Second Floor Plan DWG:7816-26 A, Block Plan DWG:7816-06, Existing First Floor Plan DWG: 7816-05, Existing Ground Floor Plan DWG: 7816-03, Location Plan.
- 3) The building hereby permitted shall not be occupied until the two rear facing second floor windows to the shared lounge and shower room have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 4) The development shall not be occupied until space has been laid out within the site in accordance with drawing no. 7816-24 B for 13 bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 5) The building hereby permitted shall not be occupied until the planted wall annotated on approved plan drawing no. 7816-27 A has been provided in accordance with installation and maintenance details that shall have first been submitted to and agreed by the local planning authority in writing. The planted wall shall thereafter be retained and maintained in accordance with these details.
- 6) Prior to the occupation of the development hereby permitted the redundant existing vehicular accesses onto the adjoining highway shall be permanently closed in accordance with full engineering details that shall have first been submitted to and approved in writing by the local planning authority.
- 7) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been

previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 28 days of the report being completed and approved in writing by the local planning authority.

- 8) Prior to the occupation of the development hereby permitted the accommodation shall be insulated against external sound in accordance with details that shall have first been submitted to and agreed by the local planning authority in writing.

---End of Conditions---