
Appeal Decision

Site visit made on 22 February 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 1 March 2017

Appeal Ref: APP/U4610/W/16/3158320

Malcolms Stores, 73 Elm Tree Avenue, Coventry CV4 9EU

- 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 Notemachine UK Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2016/0268, dated 26 January 2016, was refused by notice dated 25 May 2016.
 - The development proposed is installation of an ATM.
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Decision

1. The appeal is allowed and planning permission is granted for installation of an ATM at Malcolms Stores, 73 Elm Tree Avenue, Coventry CV4 9EU in accordance with the terms of the application, Ref FUL/2016/0268, dated 26 January 2016, and the plans submitted with it, subject to the following condition:
 - 1) The ATM hereby permitted shall be removed within 12 months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:-
 - i) within 3 months of the date of this decision, notwithstanding what is shown on the approved drawings, a detailed landscaping scheme for the visual improvement of the ATM's western and northern elevations, which shall incorporate the retention of the existing tree, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) if within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period an appeal shall have been made to, and accepted as valid by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.

Procedural matter

2. The appellant seeks to retain a development that has already occurred and I shall therefore consider the appeal as being for retrospective planning permission.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with particular reference to the street scene.

Reasons

4. The proposed ATM includes a secure containing structure, painted white, very near to the boundary between the forecourt to a local convenience store and the adjacent semi-detached dwelling on Elm Tree Avenue, in a location also marked by a small evergreen tree and an adjacent 'Amazon' post box and collection facility.
5. The latter is forward of the ATM in its relationship to Elm Tree Avenue and is painted a strong shade of yellow. I understand from the Council's statement that it is subject to enforcement proceedings. That is plainly not a matter for me and I determine this appeal on its own specific merits independent of those concerning the 'Amazon' facility.
6. Whether or not the convenience store is capable of accommodating the ATM internally is again not a matter for me. I take the proposed development as I find it.
7. The convenience store is one of a number of local shops situated around the crossroads junction of Beech Tree Avenue and Elm Tree Avenue. From most vantage points within the de facto local shopping area the proposed ATM looks to be a logical and not unsightly addition to the street scene. It is essentially a simple structure which would not create undue visual clutter in that context, notwithstanding that it is not a formally designated local shopping centre.
8. However, viewed from Elm Tree Avenue, the stark white rear (western) and side (northern) elevations of the ATM housing are both more incongruously conspicuous than is aesthetically acceptable at the boundary between the residential part of the street scene and the more commercial area around the crossroads. To a considerable degree this visual intrusion is exacerbated by the somewhat low maintenance approach that has been adopted for the front garden area to 71 Elm Tree Avenue and the lack of obvious and comprehensive physical distinction between it and the adjacent commercial ownership which comprises the application site (such that the Council apparently understood the evergreen tree to be outside the appellant's control.)
9. The appellant confirms that this is not in fact the case and volunteers, in principle, conditions to secure retention of the tree and, moreover, additional landscaping to further screen and soften the impact of the ATM housing.
10. In the absence of such a scheme I would concur with the Council's view that there would be harmful conflict with policy BE2 of the Coventry Development Plan 2001 and the intention of the National Planning Policy Framework that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The intrusive rear and side views of the ATM in the residential street scene would be the converse of the positive aspiration regarding design embodied in national policy.
11. The appellant's assurances that such a scheme can be secured on land within its control in the application site is sufficient to enable an enforceable condition

to be imposed; and it is not necessary to revert to the parties on this because the appellant is quite explicit in indicating contentment with such an approach. It seems to me that the appellant's control of the land on which the tree and the ATM housing stands would in practice be sufficient to enable a suitably imaginative planting scheme to screen both the western and northern elevations to the ATM housing. Failure to comply would in due course bring the appellant back within breach of planning control with the potential for enforcement action. I therefore propose to allow the appeal conditional upon the submission and approval of a scheme which, inter alia, secures the retention of the existing tree, as this contributes importantly to, but does not altogether achieve, the necessary mitigation of the otherwise harmfully incongruous appearance of the ATM housing in the more residential component of the street scene.

12. For the above reasons, having taken all other matters raised into account, I conclude that the appeal should succeed and that planning permission should be granted subject to the condition I have imposed.

Keith Manning

Inspector