
Appeal Decision

Site visit made on 13 February 2017

by **B Bowker Mplan MRTPI**

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

Decision date: 15 March 2017

Appeal Ref: APP/U4610/W/16/3160458

244 Birmingham Road, Allesley, Coventry CV5 9HD

- 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 Gary Horn against the decision of Coventry City Council.
 - The application Ref FUL/2016/0357, dated 27 January 2016, was refused by notice dated 28 April 2016.
 - The development proposed is described as *'We would like to apply for permission to store cars for retail. We intend stocking approximately 15 vehicles, most of which will be stored under cover, in a lock up at the rear of the premises and out of view. The cars will be advertised via an online showroom. Our estimated turnover is 8-10 vehicles per month which (according to Autotrader's statistics) would involve approximately 15 site visits per month. This amount could easily be accommodated by our on site parking facilities. The operation would involve one full-time and one part-time employee, one of whom lives very locally and walks to the site. At present we have permission for a 24/7 vehicle breakdown recovery operation. Should the above proposal be accepted we would no longer pursue that operation. Our workshop operations would also be curtailed. No activities would be carried out outside normal office hours of 8-30 - 18.00 Mon to Sat'*.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on highway safety; and,
 - The effect of the proposal on the living conditions of adjoining neighbouring occupants with particular reference to disturbance.

Reasons

Highway safety

3. The appeal site comprises a vehicle repair and recovery garage located in a predominantly residential area. Opposite the site entrance is the junction of Birmingham Road with Bexfield Close whilst to the immediate south east are bus stops and a doctor's surgery. The proposed storage and sale of motor vehicles is already in operation at the site.
 4. During my late afternoon site visit I saw that this section of Birmingham Road is busy. At the time of my visit, road works adjacent to the site reduced the speed of vehicles and prevented adjacent roadside parking. However, I
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observed that this section of Birmingham Road and Bexfield Close are not subject to any traffic calming measures or restrictions such as double yellow lines. I also saw that vehicles tend to park partly on the pavement and road close to the site. It would be reasonable to assume that traffic and parking availability would change throughout the day and that without road works, vehicles would move faster and park closer to the site.

5. The Council refer to a 1996 dismissed appeal¹ which sought permission to use part of the site for motor vehicle sale and display. In this case, despite the lack of objection from the Highway Authority, the Inspector, taking into account the proximity of Bexfield Close, the nearby bus stop and doctor's surgery, identified harm in relation to highway safety. Since the decision, I understand that no significant changes have occurred to the surrounding highway network or in the surrounding established residential area.
6. It is put to me that the scale of business has reduced since the 1996 appeal decision. However, the previous Inspector took into account the imminent closure of the fuel services at the site. The appellant has offered to cease use of the breakdown and recovery aspect of the business and is willing to accept a condition limiting the amount of vehicles stored for sale at the site. However, no secure mechanisms are before me to ensure that these suggestions are achievable. Based on recent activity and the use of an internet showroom, the appellant anticipates that the proposal would generate 1 visit per day. However, no control mechanism is before me to ensure that this remains the case nor am I convinced that visits could realistically be restricted in such a way. Moreover, in any event, additional journeys to and from the site would be a consequence of the proposal.
7. The size limitation of the site and the lack of a mechanism to restrict the uses at the site would increase dependency on the surrounding highway for overflow parking. Based on what I saw on site and representations from local residents, parking is already an issue in the immediate vicinity. An increase in parking along Birmingham Road and at the junction with Bexfield Close would restrict visibility for road users and lead to an unacceptable risk to highway safety. In the context of local highway conditions and the proximity of bus stops and the doctor's surgery, additional associated vehicular movements and parking would create further hazards and conflict for drivers and pedestrians. Consequently, the concerns expressed by the previous Inspector remain valid.
8. In reaching this view, I note that the Highway Authority have raised no objection. I also understand that the business has operated from the site before surrounding residential properties were constructed. However, both of these factors do not remove or prevent the harm to highway safety identified above.
9. Therefore I conclude that the proposal has a harmful effect on highway safety. Consequently the proposal is contrary to saved Policy AM22 of the Coventry Development Plan (DP) which seeks to ensure development has safe and appropriate access to the highway system together with satisfactory on-site arrangements for vehicle manoeuvring.

¹ T/APP/U4610/A/95/258491/P7

Living conditions

10. Adjacent residential frontages run parallel to Birmingham Road and commonly contain windows serving habitable rooms. Properties at Bexfield Close are typically set away from the highway and are served by driveways that are often close to one another.
11. My findings in relation to the first main issue concluded that the number of vehicles parking on street is likely to increase as a result of the proposal. Additional vehicles parking at this section of Birmingham Road and Bexfield Close would be near habitable room windows and driveway entrances. In addition, during my site visit I saw that on street parking in the immediate vicinity of the site is already a source of disturbance to neighbouring living conditions. In the absence of mechanisms to control the intensity of activity at the site and the limited road restrictions in the immediate vicinity, the proposal could result in further levels of disturbance to neighbouring occupants. Moreover, with no significant change in circumstances, I have no reason to disagree with the findings reached by the previous Inspector on this matter.
12. Therefore I conclude that the proposal has a harmful effect on the living conditions of adjoining neighbouring occupants with particular reference to disturbance. Consequently the proposal is contrary to the requirements of saved DP Policy OS6 and paragraph 17 bullet point 4 of the National Planning Policy Framework which are of most relevance to this matter. Combined, these policies require development to be compatible with nearby uses and secure a good standard of amenity for existing occupants.

Other matters

13. I understand that the appellant received a favourable response to the proposal at pre application stage. However, it is common practice that informal advice given regarding an application is done so without prejudice and cannot pre-determine the outcome of a subsequent application. Consequently, this matter can be afforded limited weight only and is outweighed by my findings in relation to the two main issues above.

Conclusion

14. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

B Bowker

INSPECTOR