
Appeal Decision

Site visit made on 20 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2017

Appeal Ref: APP/U4610/W/16/3164060
28 Stivichall Croft, Coventry CV3 6GN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr James Cassidy against the decision of Coventry City Council.
 - The application Ref OUT/2016/2127, dated 22 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is an outline application including access with all other matter reserved for the demolition of No. 28 Stivichall Croft and development of up to 4 No. 2.5 storey houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved aside from access. I have therefore treated the submitted plans, apart from those relating to access, as indicative only.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area, including its effect upon protected trees.

Reasons

4. Stivichall Croft lies to the south west of Coventry City Centre. The area is a residential one, with large, primarily detached properties with hipped roofs and bay windows lining both sides of the road. The houses are set back within their reasonably large plots. Substantial areas of mature landscaping adds to the character of the area, which despite being relatively close to the city centre, has a peaceful, suburban air.
 5. No 28 Stivichall Croft is a little different to many surrounding properties, being a large house set back substantially within its plot, which is considerably larger than those surrounding. The building line of the house is replicated by Nos 26 and 24 Stivichall Croft to the north. When viewed together, these plots and the considerable landscaping at their frontages provide a break to the rhythm of the street scene, adding to the spacious and peaceful character of the area. Boundary walls along the frontages of Nos 28 and 26 add to this feeling.
 6. A recent tree protection order (TPO) has been imposed on two of the trees within the appeal site; a sycamore set half way into the site close to its north
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east boundary, and a Lawson's Cypress on the south east corner of the plot adjacent to the road. To the immediate south of the appeal site lie Nos 28a and 28b Stivichall Croft. These houses seem to be more modern than many on the road and appear to have previously formed part of the grounds of No 28. No 28a follows the uniform building line of the road, with No 28b located up a narrow access drive and is set on a similar line to Nos 28-24, but with a much smaller plot, providing a rare example of backland development in the area.

7. The proposal seeks to demolish No 28, and construct 4 2.5 storey properties. Indicative plans demonstrate that such houses could be located in 2 rows of 2, with the front 2 properties following the building line set by Nos 38-28a to the south, and the rear 2 houses following the building line of Nos 28b-24.
8. At present the site frontage wall and accompanying landscaping covers much of the front of the site, with only a short break in its south east corner for the gated single access to No 28. The proposal would involve removing much of the boundary wall, along with a fair proportion of the mature landscaping which shields the site from public views at present, even during winter months. The new access road, at some 5m wide and wider at the bellmouth, would then be constructed roughly in the middle of the site. The wall is proposed to be rebuilt as far as possible along the required visibility splays. However, this would inevitably reduce the positive effect that the lengthy wall currently has on the character of the area, and replacement planting would take time to establish itself.
9. Although scale is a reserved matter, the development description states that the scheme would provide 4 2 ½ storey houses. This type of development would have the potential to appear out of place within the area, which is characterised by 2 storey houses, which although substantial, primarily have hipped roofs. Whilst clearly only indicative, the layout submitted indicates 4 detached homes of substantial floor space (324m²). Whilst plots 1 and 4 would have plot sizes appearing broadly similar to much of the surrounding development to the south west, once access areas are discounted plots 2 & 3 appear potentially to have smaller areas. These are more indicative of the plot size of No 28b, but this house and its land represents something of an anomaly in the area.
10. A tree condition survey¹ considers the condition, life stage, estimated life expectancy and root protection areas (RPAs) for the various trees and groups of trees on site. The protected Sycamore is assessed as being in good condition with between 10-20 years left of life, with the protected Lawson Cypress having the same assessment. The survey plots the RPAs for the trees with the Sycamore in particular having a substantial area (163m²). The grouping of trees and shrubs at the front of the site is assessed as being in fair condition, and classified as 'C2'; that is young trees with stem diameter of less than 150mm of mainly landscape value.
11. The RPAs of the protected trees would potentially limit the area of the site where development can take place; in particular the large RPA of the Sycamore affects a large area of the middle of the north east of the site, covering an area indicated for parking for Plot 4 (both spaces and potentially garaging) and a turning circle in front of Plot 3. The appellant is of the view that such uses could be moved around and repositioned and I do not doubt on the information

¹ BS5837:2012 Pre-Development Tree Condition Survey, Amber Arboricultural Consultancy April 2016

provided that potentially this could be achieved, and that the scheme could be designed to comply with Policy GE 14 of the Coventry Development Plan 2001 (the CDP) which states that trees of value to the amenity of a locality will be protected against unnecessary loss or damage. Nevertheless, such an issue leads to further pressures on the land within the site available for development purposes.

12. When considering all these factors together I consider that the proposed quantum of development for the site would appear cramped and wedged in, and consequently out of character with the surrounding spacious area. Whilst I consider that the development could be sited to avoid any adverse effect on protected trees, I consider that resolving this issue would increase the harm that the proposal would cause to the character of the area.
13. I therefore conclude that whilst protected trees could be retained, the proposed development would have a significant adverse effect on the character and appearance of the area. The proposal would be contrary to policies BE2 and H12 of the CDP which together state that the density of development should represent the most efficient use of sites consistent with the principles of good design, and the creation of a sufficient range of high quality residential environments, enhancing townscape character by reflecting locally distinct patterns of development. The proposal would also be contrary to the National Planning Policy Framework, which states that as a core principle that planning should take account of the different roles and character of different areas, and that good design is a key aspect of sustainable development (para 56).

Other Matters

14. The appellant raises concerns over differing advice received from the Council in pre-application discussions and over internal consultation procedures within the Council. Whilst I have some sympathy over this matter, pre application advice is not binding. Any complaints over the conduct of the Council in the handling of the application should be made in the first instance through the Council's own complaints service.
15. I note that the appellant has objected to the TPO. I have no information over whether the TPO has been confirmed or not; however, whether the TPO is unconfirmed or confirmed does not alter the weight that I provide to it.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR