

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: 21 March 2017

Appeal Ref: APP/U4610/W/3160757
128 Broad Street, Coventry CV6 5BN

- 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 Dial Masih against the decision of Coventry City Council.
 - The application Ref FUL/2016/0558, dated 25 February 2016, was refused by notice dated 21 April 2016.
 - The development proposed is for the change of use from vacant non use land to sui generis use (car sales) and the installation of cabin.
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Decision

1. For the reasons given below, the appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and,
 - The living conditions of surrounding occupants with particular reference to noise and disturbance.

Reasons

Character and appearance

3. The appeal site comprises an overgrown area of land surrounded by residential use to its north and south and Foleshill Community Library to its east. Residential properties to the north of Broad Street tend to be terraced with a consistent frontage that gives the area a built up and ordered character. Similarly, buildings to the east of the site tend to have frontages onto Broad Street and continue this character.
 4. I understand that Foleshill Community Library is a locally listed building and my site visit observations confirmed that it is a modestly attractive building. I also observed that the character of development to the south west of the site was commercial in use and appearance. Nonetheless, the built up and ordered character of this section of Broad Street prevails in the immediate vicinity of the site.
 5. I agree with the appellant that the site in its overgrown and unkempt state currently detracts from the character of the area. However, this factor is not sufficient justification for what, in my view, is a poorly designed scheme that would introduce a large area of hard standing, an expanse of vehicles and a
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temporary cabin to a site that has a roadside frontage. The proposal would appear incongruous when viewed next to adjacent buildings from public vantage points in the immediate vicinity along Broad Street. Views of the proposal would harm the built up and ordered character of the site's immediate surroundings. The harmful visual impact arising from the proposal would not be fully prevented or significantly reduced by the retention of fencing along the site's Broad Street frontage or by soft landscaping.

6. Therefore, I conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area. Consequently the proposal would be contrary to Coventry Development Plan (DP) saved Policy BE 2 and paragraph 64 of the National Planning Policy Framework (the Framework). Combined these policies seek to ensure development is of a high quality design and takes the opportunity available for improving the character and quality of an area.

Living conditions

7. Residential use to the south comprises a number of terraced properties at Trafalgar Mews, three of which are surrounded by residential use on three sides and have rear gardens adjoining the site boundary. Unlike properties in the wider area, these dwellings are set away from nearby main roads such as Broad Street. My site visit confirmed that Broad Street is a busy road that generates vehicular noise and therefore is likely to already have an effect on neighbours to the north and users of the adjacent library. Nonetheless, the proposal could add to existing noise levels for occupants at Broad Street. In addition, as neighbours at Trafalgar Mews enjoy a comparatively quieter environment than those with frontages at Broad Street, any change in noise levels could be particularly noticeable and disruptive.
8. In the absence of a noise assessment, the Council's Environmental Protection Officer objects to the proposal. The appellant considers that a noise assessment could be secured by a planning condition as suggested in the explanatory text in relation to saved DP Policy EM5. However, the proposed use has the potential to be a source of noise and disturbance for surrounding occupants, particularly those at Trafalgar Mews. This is a matter which, in the absence of any evidence to the contrary, could affect whether the principle of the proposed use is acceptable at the site. In this respect, I consider the precautionary approach adopted by the Council as reasonable. Consequently, based on the evidence before me, I cannot rule out the possibility that the proposal would have a harmful impact on the living conditions of surrounding occupants, particularly those at Trafalgar Mews.
9. Therefore, I conclude that the proposal would have a harmful effect on the living conditions of surrounding occupants with particular reference to noise and disturbance. Consequently the proposal would be contrary to saved Policy EM5 of the DP and paragraph 17 bullet point 4 of the Framework. Combined these policies seek to ensure development is only permitted when the health, safety and good standards of amenity for land users and existing occupants is secured.

Other matters

10. A number of benefits are put forward in support of the appeal which includes its support to employment and its efficient use of land. However, these modest

benefits combined would be outweighed by the harm identified above in relation to the two main issues.

Conclusion

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

B Bowker

INSPECTOR