
Appeal Decision

Site visit made on 27 March 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 12 April 2017

Appeal Ref: APP/U4610/W/17/3167131
Land off Wood Hill Rise, Coventry CV6 6GW.

- 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 S Hughes (Diamond Construction Ltd) against the decision of Coventry City Council.
 - The application Ref FUL/2016/2733, dated 7 November 2016, was refused by notice dated 20 December 2016.
 - The development proposed is the erection of three dwellings with associated car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three dwellings with associated car parking at land off Wood Hill Rise, Coventry CV6 6GW in accordance with the terms of the application, Ref FUL/2016/2733, dated 7 November 2016, subject to the conditions set out in the schedule to this decision.

Preliminary Matters

2. I have taken the site address and description of development from the Appeal Form as these are more precise than the versions provided on the Application Form.
3. An appeal against the refusal to grant permission for four dwellings on a slightly larger site was allowed in September 2016¹. Given that this decision relates to a similar development and site, it is a material consideration of significant weight.
4. An application for costs was made by Mr S Hughes against Coventry City Council. This application is the subject of a separate decision.

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the area.

Reasons

6. The appeal site is a rectangular plot of vacant land situated at the end of Wood Hill Rise. It is currently covered in a thick blanket of brambles and has a forlorn and unkempt appearance which detracts from its surroundings. It is

¹ Pins Ref: APP/U4610/W/16/3152395

proposed to erect three detached dwellings on the land which would be served via a short shared driveway. Off-street parking would be provided in double parking bays in a forecourt area whilst private amenity space would be located to the rear.

7. The wider area is residential and part of a planned estate development comprising mainly traditional semi-detached properties. Whilst the original estate layout remains largely intact, the area is not notable or sensitive in architectural or streetscape terms.
8. The dwellings would be set-back from Wood Hill Rise such that they would not be unduly prominent. Their proportions, plot sizes, detailing and materials would all be broadly consistent with adjacent properties and I can find nothing untoward in that regard.
9. I have carefully considered the allegation that the development would constitute overdevelopment of the site. However, this is not an area noted for large plots and the proposed site plan shows that there would be adequate spacing between the dwellings as well as outdoor amenity space and off-street parking provision. The Council has not pointed to any conflict with local standards in these areas and therefore I find the Council's stance to be illogical.
10. Based on the foregoing, in the absence of a cogent case to support the Council's reason for refusal and bearing in mind my colleague who dealt with the 2016 appeal came to the same conclusion, I conclude that the development would accord with Policies BE2 and H12 of the "*Coventry Development Plan 2001*". Collectively these seek the efficient use of the land, high urban design standards and an appreciation of locally distinct patterns of development. "*The National Planning Policy Framework*" (the Framework) would also be satisfied in terms of the need to ensure that development responds to local character, reflects its surroundings and adds to the overall quality of the area.

Other Matters

11. Local residents have expressed a wide range of concerns including; the loss of wildlife habitats and inadequate sewerage/drainage infrastructure. However, the Council has not objected to the scheme on these grounds and no substantive evidence has been adduced which would lead me to a different conclusion.
12. I have also noted the concerns of those neighbouring residents. I was able to see the appeal site from a number of adjacent gardens and properties when I conducted my site visit and whilst I can appreciate the desire of these residents to retain the open aspect they currently enjoy over the appeal site, the Council has not alleged any conflict with the development plan in terms of living conditions. Whilst it is inevitable that there would be a change in the outlook for neighbouring occupiers, the scale of that change would be modest and not at a level that could reasonably be described as overbearing or unusual in a built-up area. There would thus be no unacceptable effect on the living conditions of local residents.

Conditions

13. Although the Council has suggested 14 planning conditions no reasons have been submitted in support of these. I have therefore considered them against advice in the "*Planning Practice Guidance*" (PPG). In some instances I have

amended the conditions provided by the Council in the interests of brevity and to ensure compliance with the PPG.

14. I have imposed a condition specifying the approved plans as this provides certainty. I have imposed conditions relating to new window openings and a Construction Method Statement to protect the living conditions of local residents. I have imposed a condition relating to external facing materials to ensure the satisfactory appearance of the development. I have imposed a parking and access condition to ensure the development does not give rise to overspill parking on the surrounding residential streets. Conditions relating to energy efficient boilers and electric charging points are necessary to comply with development plan objectives in those areas. The provision of a surface water drainage system is necessary to ensure satisfactory drainage of the site in the interests of flood prevention. I have imposed a condition relating to an investigation for contamination and any necessary remedial measures to ensure the land is suitable for the proposed residential use. Lastly, I have imposed a condition to secure ecological improvements to ensure compliance with advice in the Framework.
15. The site is fairly level and the floor levels are shown on the approved plans, therefore in the absence of a reasoned justification, I am not persuaded a condition regarding the approval of finished floor levels is necessary. Finally, the application form indicates that there are no trees on the site nor did I observe any on my site visit. The Council's Committee Report states that there are no significant trees on the site. That being the case, the suggested condition relating to tree protection measures is unnecessary.

Conclusion

16. I appreciate that there is considerable local opposition to the scheme. However, to carry weight, opposition to a proposal should be founded on valid planning reasons, which are supported by appropriate evidence.
17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector

SCHEDULE OF CONDITIONS

- 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: 1444-LP; 1444-01A; 1414-02; 1414-03 and 1414-04.
- 3) No development above slab level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) None of the dwellings hereby permitted shall be occupied unless and until the access to the site and associated car parking provision has been constructed or laid out, and made available for use by the occupants and / or visitors to the dwellings and thereafter those spaces shall be retained for parking purposes.
- 5) Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh
- 6) One electric vehicle charging point shall be installed at each property.
- 7) No development shall take place until a detailed scheme for surface water drainage provision has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.
- 8) Prior to occupation of the dwellings hereby approved, the measures identified within the biodiversity compensation plan (figure 1 in the ecological appraisal by Martin ecology) shall be installed in full and thereafter retained.
- 9) In the event that contamination is found at any time when carrying out the approved development work should cease and it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the 1st floor of the north facing side elevation of plot 3 or the south facing side elevation of plot 1 hereby approved.
- 11) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction;
- vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.