
Appeal Decision

Site visit made on 6 April 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 19th April 2017

Appeal Ref: APP/U4610/W/16/3166161
54 Shilton Lane, Coventry CV2 2AB

- 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 J Thompson against the decision of Coventry City Council.
 - The application Ref FUL/2016/1533, dated 8 June 2016, was refused by notice dated 23 August 2016.
 - The development proposed is demolition of existing cattery and outbuildings with erection of assisted living accommodation with associated parking and landscaped grounds together with change of use of existing dwelling to communal accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing cattery and outbuildings with erection of assisted living accommodation with associated parking and landscaped grounds together with change of use of existing dwelling to communal accommodation at 54 Shilton Lane, Coventry CV2 2AB in accordance with the terms of the application, Ref FUL/2016/1533, dated 8 June 2016, subject to the conditions set out in the Schedule to this decision.

Preliminary Matter

2. Following the submission of an updated Noise Report by the appellant, the Council has confirmed that it does not wish to pursue the first reason for refusal of the application. I have made my determination of the appeal on this basis.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether it would provide satisfactory living conditions for future occupiers with regard to outdoor amenity space.

Reasons

Character and appearance

4. The appeal site is of rectilinear form extending a substantial distance to the rear of the main residential property forming no. 54 that lies on the south-eastern side of Shilton Lane. The site contains a number of buildings including the main cattery block which sits close to the north-eastern boundary. Surrounding the site is a large area of open space known as Sowe Common.
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5. The site is bounded on three sides by stout hedgerows with occasional mature trees. Whilst part of the cattery building can be seen in views across the common from the north, the majority of it, along with the rest of the site is very well screened, although I recognise that this will vary as a result of seasonal change.
6. Nevertheless, although the buildings comprising Row A of the proposed development would be taller than the cattery building, they would be of a single storey and the existing vegetation would be sufficient to substantially screen them including when not in leaf. Even if the upper part of the buildings in both rows could be seen across the common, the use of the proposed green roofs would help them to blend in with the hedgerows. Furthermore, the buildings would be clad with Cedar which would eventually weather to blend in with the surrounding vegetation even during the winter months. Moreover, the rows of buildings would be set further in from the boundary than the cattery building. For these reasons, I am not persuaded that the proposal's visual effects would be materially greater than those which already exist.
7. Neither do I think that the two rows of buildings would be obtrusive by way of their regimented layout. This would not be readily apparent from outside the confines of the site. I acknowledge the Council's argument that chalet type buildings are more usually informally laid out. However, that is not to say that they must be or that the context in the scheme before me can be easily reconciled with some other chalet type development.
8. I accept that two lines of buildings extending back into the site would represent a different pattern of development to that nearby. However, the site already has a somewhat developed feel and is set apart from other nearby residential areas by the presence of the cattery building and the other structures that sit well behind the main building fronting Shilton Lane. Notwithstanding this, in my view, the site's existing level of screening would prevent any significant appreciable harm in this respect.
9. My attention has been drawn to a previously dismissed appeal wherein the Inspector concluded the scheme would, amongst other things, cause harm to the area's character and appearance. However, whilst I do not have full details of that proposal, it is clear from the available evidence that it included a number of two-storey houses. This indicates that the previous proposal was entirely different to the one before me so I cannot be certain that there are any direct comparisons to be drawn between them. In any case, I have determined the appeal on its own merits.
10. Taking all of this into account, the proposal would not conflict with Policy BE2 of the Coventry Development Plan (2001) (the CDP) that seeks high quality urban design or with the requirement for good design set out in the National Planning Policy Framework (the Framework). Neither would it conflict with CDP Policy H12 that requires a high quality of design for new residential development.
11. CDP Policy GE8 seeks to protect areas of urban greenspace regardless of ownership or whether publicly accessible. The available evidence informs me that permission has been granted for an additional cattery building on the southern side of the site. The Council has therefore accepted that there would be some reduction in the amount of undeveloped space within the site. Whilst I do not have full details of this permission, at my site visit I observed that

foundation trenches have been dug, drainage pipes laid and building footprints marked out. I therefore have no reason to doubt that were the appeal to be dismissed, the appellant would implement the extant permission. On the basis of this and given the surrounding green context, I am satisfied that the proposal would not materially reduce the amount of urban greenspace in the area in comparison to the permitted cattery building scheme. The proposal therefore accords with CDP Policy GE8.

Living conditions

12. Each dwelling would have a small back garden which would provide some opportunity for sitting out. This private space would be complemented by a substantial new communal outdoor area.
13. Whilst there would be a road running between the two rows of buildings onto which the dwellings would directly face, there would nonetheless be frontage space that would in my view, provide an acceptable separation distance between the road and the buildings. Moreover, the road would serve only a modest amount of overflow and/or visitor parking and the amount of vehicular traffic this would generate would be unlikely to subject future occupiers to an unacceptable living environment.
14. On balance, the overall amount of private and communal amenity space would provide satisfactory living conditions for future occupiers. Accordingly, I do not find any conflict with CDP Policy H9 that also requires proposals for housing development on windfall sites to provide an attractive residential environment.

Conditions

15. I have had regard to the conditions suggested by the Council. I have imposed a condition specifying the approved plans as this provides certainty. I have not imposed a requirement to submit details of facing and roofing materials as these are adequately described in the application documents including on the approved plans. Whilst I consider a drainage condition to be necessary in the interests of protecting the water environment, I have imposed an amended version in the interests of brevity and to reflect the advice in PPG.
16. In the interests of highway safety and to ensure a satisfactory living environment, a condition is necessary relating to vehicle parking and turning areas. It is also necessary to impose an arboricultural-related condition in order to ensure the long-term health and safety of existing trees. Whilst I agree that a noise related condition is necessary, it is sufficient for it to be drawn up with reference to the appellant's submitted environmental noise report¹. Finally, in order to define the permission, a condition related to the use of the assisted living units is necessary.

Conclusion

17. For the above reasons and having had regard to all other matters raised, the appeal succeeds.

Hayden Baugh-Jones

Inspector

¹ Report by Soundtesting dated 21 November 2016 Reference 8813E Rev 2

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: Location Plan, Block/Site Plan and Existing Plans and Elevations Drawing No.1/04/16-01; Proposed Plans Drawing No. 1.04/16-02 Rev A; Proposed Row A Elevations Drawing No 1/04/16-03; Proposed Row B Elevations Drawing No 1/04/16-04.
- 3) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements to secure the operation of the scheme throughout its lifetime.
- 4) No building hereby permitted shall be occupied until space has been laid out within the site in accordance with drawing no. 1.04/16-02 Rev A for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 5) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 6) The development hereby permitted shall be constructed in accordance with the sound insulation recommendations in the Environmental Noise Report by Soundtesting dated 21 November 2016. The sound insulation works shall be completed before the occupation of the buildings shown as Row A and Row B on drawing no. 1.04/16-02 Rev A and shall be retained thereafter.

- 7) The buildings shown as Row A and Row B on drawing no. 1.04/16-02 Rev A shall only be used as assisted living units in conjunction with the building forming 54 Shilton Lane.