

Appeal Decision

Site visit made on 23 May 2017

by R C Kirby BA(Hons) DipTP MRTPI

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

Decision date: 12th July 2017

Appeal Ref: APP/U4610/W/17/3168782

Spiritualist Church of Christ, Villiers Street, Coventry CV2 4HP

- 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 Jack Meahet, MJ Phoenix Property Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2016/2385, dated 26 September 2016, was refused by notice dated 23 January 2017.
 - The development proposed is erection of 18 studio apartments and associated vehicle and cycle parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 18 studio apartments and associated vehicle and cycle parking at Spiritualist Church of Christ, Villiers Street, Coventry CV2 4HP in accordance with the terms of application Ref FUL/2016/2385, dated 26 September 2016 and in accordance with the 10 conditions in the attached Schedule.

Procedural Matters

2. The description of development above has been taken from the appeal form as during the course of the planning application the scheme was amended from 24 units to 18. The Council determined the amended scheme and I have considered the appeal proposal accordingly.
3. The appellant has confirmed that his name was spelt incorrectly on the planning application form. The name above is the correct spelling of his surname.

Application for Costs

4. An application for costs was made by Mr Jack Meahet, MJ Phoenix Property Ltd against Coventry City Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue in this case is the effect of the proposal on highway safety having particular regard to the number of units proposed and off street parking provision.
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Reasons

6. The appeal proposal is to erect 18 studio apartments in a two storey building. Five car parking spaces are proposed, accessed via a new dropped crossing adjacent to No 52 Villiers Street. Of the 5 spaces, 2 would be accessible for persons with disabilities. A cycle store would be located to the rear of the building.
7. Policy H 12 of the Coventry Development Plan 2001 (CDP) requires, amongst other matters, for housing development to have convenient and safe pedestrian and cycle access and an appropriate level of car parking. CDP Policy AM 22 has similar aims in this regard. It requires new development to have safe and appropriate access to the highway, together with satisfactory on-site arrangements for vehicle manoeuvring which avoids danger or inconvenience to pedestrians, cyclists or drivers.
8. Villiers Street is a residential road which leads off Clay Lane. Clay Lane forms a junction with Walsgrave Road, upon which are a number of shops and services as well as public transport facilities. I observed on my site visit that Villiers Street was characterised by on street car parking with vehicles parking on both sides of the road, other than where there were parking restrictions. The part of the road closest to Clay Lane was more heavily parked than the part of the road where the appeal site is located. There were also a number of vehicles parked in Clements Street, close to Walsgrave Road. It is submitted that vehicles that park in the road are those of shoppers, residents and workers at the hospital. I have no reason to disagree with the submissions made; it was clear from my site visit that the dwellings within the road had no off street car parking, and its proximity to the local centre would make it an attractive place for shoppers and workers in the area to park.
9. The appeal site is in a sustainable location where services and facilities could be accessed by foot or cycle. There is also good access to public transport facilities from the site. As such it would be unlikely that the intended future occupiers of the units would have a high dependency on a private motor vehicle to access day to day services, places of employment or education.
10. Even in the event that all of the units were occupied by a car owner, it is likely that the intended future occupiers would be able to park on the road near to the appeal site. This is demonstrated by the appellant's parking survey which found that there were parking spaces available in the road when the survey work was undertaken. This included mid-afternoon and early evening, which are times when it would be likely that nearby occupiers would be home and when the pressure on the availability of on street spaces would be highest. No evidence has been provided to demonstrate that vehicles parking within the road have resulted in highway safety concerns or significant inconvenience to other road users.
11. The Council has referred me to parking standards within the emerging Local Plan. This plan has not yet been adopted by the Council and I attach limited weight to it in my assessment of the appeal proposal.
12. In light of the foregoing and in the absence of convincing evidence to demonstrate otherwise, I am not convinced that vehicles associated with the new apartments would place a significant pressure on the availability of existing parking spaces in the area, to a degree that would be inconvenient to

other road users, or harmful to highway safety. The number of units proposed and the associated car parking would not result in an overdevelopment of the site as suggested by the Council. There would be no conflict with the aims of CDP Policies H 12 or AM 22. Furthermore, there would be no conflict with the core planning principle of the National Planning Policy Framework (the Framework) which seeks to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling. Paragraph 32 of the Framework makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This has not been demonstrated in this case. It is noteworthy that the Highway Authority raised no objections to the proposal.

Other Matters

Character and Appearance

13. Whilst not raised as a reason for refusing the application by the Council, nearby residents have expressed concerns about the scale of the building and its impact on the character and appearance of the area. The new apartments would be sited close to the back edge of the pavement which would reflect the character of nearby terraced properties. The building would be 2 storeys in height with a pitched roof. Whilst the central part of the building would be taller than nearby residential properties, the setback elements of it would be a similar height to neighbouring dwellings. The building would have a vertical emphasis, with dental course detailing and cills and headers which would reflect nearby dwellings.
14. Taking these matters into account, I consider that the new building would not be unduly prominent in the street scene or out of keeping with the character and appearance of the area. There would be no conflict with the design objectives of CDP Policies H 12 or BE 2, or the core planning principle of the Framework which seeks to secure high quality design.

Living Conditions

15. Nearby occupiers have expressed concern about the impact of the building on the outlook from their properties and its effect upon light. The building would be set at a higher level than adjacent properties in Walsgrave Road whose first floor windows are visible from the appeal site. The building would be set back some distance from these properties and would be sited to the north of them. Whilst the outlook from the first floor windows would change from the current vacant site, I am satisfied that the new building would not be overbearing on the outlook from these windows. Furthermore, there would be unlikely to be a loss of light to neighbouring properties in Walsgrave Road as a result of the aspect of the building relative to them and the intervening distance.
16. Concern has been expressed by the neighbouring occupier that the proposal would have an adverse effect on their side bathroom window. The new building would be sited off the party boundary and the new access drive would be between the respective buildings. A bathroom is not normally considered to be a habitable room. I find that the relationship of the building to this window would not result in an overbearing impact to a degree that harm would be caused to the living conditions of the occupiers of No 52 Villiers Street.

17. There is a window on the side elevation of Nos 78 to 86 Villiers Street. This window serves a staircase to these properties. Whilst noting concerns that the proposal would reduce the light entering the staircase, this is not a habitable room and I have not been provided with substantive evidence that a loss of light to this area would result.
18. Concern has been raised about construction noise causing disturbance to nearby residents. Such noise is an inevitable part of development. It is however, short term and to prevent development on this basis would be unreasonable.

Future Maintenance of Nos 78-86 Villiers Street

19. Space would be provided between the side wall and the apartment building and Nos 78-86. It is likely that there would be sufficient space to maintain the side elevation of the respective properties. This matter is not therefore a determining factor in this case.

Lack of Consultation

20. I note the concern raised by a local resident about the lack of consultation from the Council in respect of the planning application. This is a matter that should be raised with the Council in the first instance. It has had no bearing on my assessment of the appeal proposal.

Bin Storage

21. The submitted drawings show a refuse zone to the side of the access into the parking area. The intended future occupiers would be able to dispose of their rubbish and recycling in this area. I note the Council did not raise this issue as a concern when it determined the planning application, and on the basis of the evidence before me, I have no reason to find differently to it in this regard.

Conditions

22. The Council has provided me with a list of conditions it would wish to see imposed in the event that the appeal was successful. I have considered these against the advice on conditions set out in the Framework and the Planning Practice Guidance (PPG). I have however amended some of the suggested conditions to reflect this advice.
23. A condition is necessary to ensure that the development is carried out in accordance with the approved drawings. In the interests of the character and appearance of the area, conditions are necessary to control external materials, lighting and hard and soft landscaping. In the interests of highway safety and sustainability, conditions requiring the access and parking areas and the cycle storage facilities to be provided and retained are necessary.
24. To ensure that the development is satisfactorily drained, a condition is necessary requiring details to be submitted and approved. In the interests of public safety, a condition is necessary requiring an unexploded ordnance risk assessment to be undertaken. In the interests of living conditions and the character and appearance of the area, a condition requiring refuse facilities to be provided is necessary.
25. The Council has suggested a condition in respect of gas boilers which may be utilised in the development. I consider such a condition to be unenforceable

and it would therefore not comply with the tests relating to conditions set out in the Framework and the PPG. Accordingly I have not attached the suggested condition.

Conclusion

26. For the above reasons, and having regard to all other matters raised the appeal is allowed.

R C Kirby

INSPECTOR

SCHEDULE

CONDITIONS

1. The development hereby permitted shall begin no later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings: Location drg no 001 A; 100 E; 101 E; 102 C; 200 C; and 201 C.
3. The flats shall not be occupied until the access, car parking and manoeuvring areas indicated on the approved drawings have been provided. These areas shall be marked out and kept available for such use at all times.
4. The flats shall not be occupied until the approved cycle parking facilities have been provided and made available for use. These facilities shall remain available for use for the parking of cycles at all times.
5. No development shall commence until details /samples of the materials to be used in the construction of the external surfaces of the development 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 /samples.
6. 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 include a management and maintenance plan for the lifetime of the development.
7. Prior to any construction on site, an unexploded ordnance risk assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall accord with CIRIA C681.
8. Details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
All planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any

tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations.

9. None of the residential units shall be occupied until lighting has been provided to the parking areas in accordance with details that shall be submitted to and approved in writing by the local planning authority.
10. The residential accommodation hereby permitted shall not be occupied until the approved bin storage facilities have been provided and made available for use in accordance with the details on drawing number 100E and thereafter those facilities shall remain available for use at all times.