
Appeal Decision

Site visit made on 21 August 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 05 September 2017

Appeal Ref: APP/U4610/W/17/3175624
20 Exminster Road, Coventry CV3 5NY

- 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 Terry Holcroft against the decision of Coventry City Council.
 - The application Ref FUL/2017/0205, dated 23 January 2017, was refused by notice dated 20 March 2017.
 - The development proposed is proposed three-bedroom dwelling on land adjacent to 20 Exminster Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - (i) the effect of the proposal on the character and appearance of the area; and,
 - (ii) whether the proposal would result in harm to highway safety, with particular regards to the visibility splay proposed.

Reasons

Character and appearance

3. Paragraph 215 of the National Planning Policy Framework (the Framework) states that the weight given to policies that pre-date the Framework should be according to their degree of consistency with it. Policies H9, BE2 and H12 of the Development Plan¹ supports new residential development provided it reflects locally distinct patterns of development and is designed to a high standard, consistent with the principles of good design. These policies are consistent with chapter 7 of the Framework and in particular paragraphs 56, 60 and 61 which seek good design whereby development promotes and reinforces local distinctiveness and integrates well with its surroundings. I give weight, therefore, to the Development Plan policies.
4. The residential properties in Exminster Road are set back from the road which gives the area a spacious character. Contributing to this is the staggered layout of semi-detached properties which dominate the street scene. No 20

¹ The Coventry Development Plan 2001 (The City of Coventry Unitary Development Plan 1996-2011)

Exminster Road is one of the few detached houses in the area. The appeal site adjoins No 20 and given its position close to and on a bend in the road, is in a prominent position within the street.

5. The new dwelling would create a semi-detached property which would complement the prevalence of semi-detached houses within the area. However, the principal elevation of the dwelling would be narrower than No 20 and the dwelling would be within close proximity of the street, lacking the frontage that existing properties have. Together with the prominent position of the site, the development would appear overly dominant and incongruous, harmful to the spacious character of the area.
6. Reference is made by both parties to the Council's Design Guidance² and the requirement for house extensions on corner plots to be a minimum of 2 metres from a boundary. I find no reference to this standard within the Design Guidance before me. Therefore, notwithstanding comments on the relevance of this standard to the development proposed, I find no basis on which to assess the development against with regards to this matter.
7. The new dwelling would occupy the existing garden to No 20. Paragraph 53 of the Framework resists the inappropriate development of residential gardens where development would cause harm to the local area. In light of the harm identified above, the development would conflict with paragraph 53.
8. I recognise that the Council raised no objection to the principle of residential development on the site and indeed, in light of the evidence before me, I do not disagree. However, the layout of the development would be harmful for the reasons identified, which in turn would conflict with the requirements of policies H9, BE2 and H12 of the Development Plan and paragraphs 53, 56, 60 and 61 of the Framework.

Highway safety

9. Policy AM22 of the Development Plan requires new development to have safe and appropriate access to the highway system. This is compliant with paragraph 32 of the Framework which also seeks a safe and suitable access and therefore I give weight to this policy.
10. For an access such as that proposed, Manual for Streets³ states that a visibility splay of 43 metres is required. The new dwelling would intersect the line of visibility at a point that would have a material impact on driver's visibility when exiting the site. Consequently drivers would need to pull out into the road to see if there is any oncoming traffic. A vehicle in the road would be an obstruction to moving traffic which in turn would cause harm to highway safety.
11. Manual for Streets acknowledges that consideration can be given to the appropriateness of the absence of wide visibility splays at private driveways, subject to pedestrian safety. Driver's exiting the site would do so within a residential area where it is reasonable to expect pedestrians to use the footpath adjoining the site. Together with the customary width of the pavement which limits the space for vehicles and pedestrians and the

² City of Coventry, Design Guidance for New Residential Development (3 July 1991)

³ Department for Transport, Manual for Streets (2007)

additional restrictions the bend in the road places on visibility, the absence of a wide visibility splay would not be acceptable in this location.

12. I recognise that existing vegetation would be removed from the line of visibility as a result of the development. However, given the obstruction caused by the new dwelling, the removal of vegetation would have little material benefit.
13. The appellant suggests that based on cases nationwide, a visibility splay of 30 metres would be acceptable. Whilst I do not have any details of these cases to compare with the development proposed, the evidence before me does not demonstrate that a visibility splay of 30 metres could be achieved. It is evident from the plans before me that the proximity of the dwelling to the street, together with the curvature of Exminster Road, would restrict visibility to an unacceptable degree.
14. In all, therefore, I find that the visibility splay proposed would not provide a safe and suitable access and therefore the development would conflict with policy AM22 of the Development Plan and paragraph 32 of the Framework.

Other matters

15. The Framework states that development proposals that accord with the development plan should be approved without delay. Given the conflict with the policies identified, the proposal would not be development promoted by the Framework.
16. I recognise the economic, social and environmental benefits associated with the development and also the favourable consideration given by the Council to some aspects of the development, including the standard of accommodation and the lack of harm to the living conditions of neighbouring occupiers. However, given that the development would be for one dwelling, these benefits would not be sufficient to outweigh the harm to the character and appearance of the area and to highway safety.
17. Paragraph 65 of the Framework refers to development that promotes high levels of sustainability. Whilst acknowledging the social, economic and environmental benefits of the proposal, there is nothing within the evidence to suggest that these benefits would be anything beyond what could be reasonably expected of a new development. Together with these benefits being limited to one dwelling, they do not amount to the high levels of sustainability referred to in the Framework for me to give favourable consideration to this matter in my consideration of the appeal.

Conclusion

18. The proposed development would be contrary to the development plan and the Framework. As a result the appeal is dismissed.

R Walmsley

INSPECTOR