



Appeal Decision

Site visit made on 28 November 2017

by Mark Dakeyne BA (Hons) MRTPI

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

Decision date: 14 December 2017

Appeal Ref: APP/U4610/W/17/3180811

Land adjacent to No 12 Milton Street, Coventry CV2 4NN

- 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 D Fordham against the decision of Coventry City Council.
 - The application Ref FUL/2017/0498, dated 22 February 2017, was refused by notice dated 5 May 2017.
 - The development proposed is a detached house.
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Decision

1. The appeal is allowed and planning permission is granted for a detached house at land adjacent to No 12 Milton Street, Coventry CV2 4NN in accordance with the terms of the application, Ref FUL/2017/0498, dated 22 February 2017, subject to the following 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 plan: Proposed Plans and Elevations Drawing No: 164/CS/1 Revision C dated September 2016.
 - 3) No development above ground shall take place until a full specification, and/or samples, of the materials to be used externally on 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.
 - 4) No development above ground shall take place until details of both hard and soft landscape works have been submitted to, and approved in writing by, the local planning authority. These details shall include:
 - i) new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities per sq m of all new planting;
 - ii) boundary treatments; and,
 - iii) hard surfacing materials;The landscaping works shall be carried out in accordance with the approved details prior to the occupation of the dwelling. Any tree or other planting which is lost, felled, removed, becomes diseased, or is substantially damaged within a period of five years from planting shall be replaced in kind during the first available planting season following the date of loss or damage.

- 5) No development shall take place until a scheme for the attenuation of surface water run-off has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented in full accordance with the approved details prior to the occupation of the dwelling and shall be retained thereafter.

Main Issue

2. The main issue is whether the proposal would provide a satisfactory living environment for future occupiers with particular reference to outlook and noise and disturbance.

Reasons

3. The area around the appeal site is predominantly residential but there are some commercial uses which sit alongside and to the rear of dwellings. The appeal site reflects these characteristics being sandwiched between a row of houses and an area of small lock-up units served off Coventry Street.
4. The high rear wall of the lock-up units would form the northern boundary to the rear garden of the new dwelling. Although the wall is about 3.5m high and in blockwork, its appearance could be softened by planting and the use of a light coloured paint or render. As the wall is to the north it would not result in loss of sunlight to the garden and indeed would help the garden act as a suntrap. Furthermore, the wall would also act as a barrier between the plot and adjacent commercial uses.
5. The small single storey extension at the rear of No 12 would project beyond the rear elevation of the new dwelling but is not of a height or depth which would significantly affect the outlook from the garden or rear facing windows.
6. The appeal site and land to the rear was previously used for the storage of dismantled vehicles but when I visited the site the use had ceased. However, despite the appellant's assurances, there is the possibility that such a use could be resumed on the residual land to the rear accessed via the site to the north. That said it is an area where it is commonplace for dwellings to be sited adjacent to commercial uses. I did not notice any intrusive noise from commercial uses when I visited the site and surroundings. There is nothing to suggest to me that any noise and disturbance from the land to the rear or from the lock-up units to the north is likely to be so unneighbourly as to make the living environment within the appeal site unsuitable.
7. The plans include the provision of a 1.8m high close boarded fence and planting to the rear boundary. Such treatment would ensure a satisfactory outlook to the rear even if a commercial use such as storage of dismantled or ground works contractors vehicles were to take place.
8. Accordingly the proposal would provide a satisfactory living environment for future occupiers with particular reference to outlook and noise and disturbance. There would be compliance with Policy EM5 of 'The Coventry Development Plan 2001' (CDP) as the existing uses are not 'polluting' in terms of generating excessive noise. Policies BE2, H4 and H12 of the CDP are not directly relevant to the main issue as they relate to urban design and residential extensions.
9. In arriving at my conclusions I have assumed that existing neighbouring uses and buildings would remain. A more comprehensive redevelopment of land

bounded by Milton Street and Coventry Street might be desirable. However, there is no mechanism to link such an approach to the current appeal so it is not something that I can ascribe weight to.

10. The access to the residual land would be between a block of flats and a detached house on Coventry Street. However, the gated access already serves the area of lock-ups and other land in commercial use to the east under the control of the appellant. The additional relatively small area of residual land would be unlikely to generate a significant increase in traffic movements should a commercial use resume.
11. There are only small secondary windows in the side elevation of No 12 and both are obscure glazed. Therefore, there would not be any significant effects on the neighbouring occupiers through loss of light or privacy. Rights of access to the side and rear of No 12 are a private matter between the respective landowners.
12. Parking would be provided on the site. There is no evidence that any on-street parking which arises from the development would cause highway dangers or inconvenience local residents.
13. The Council has recommended two conditions in the event that I allow the appeal. A condition referring to the approved plans is needed for certainty. In addition to the conditions recommended by the Council it is necessary to impose a landscaping condition so that the living environment is acceptable (paragraphs 4 and 7 above refer). I will also include a condition requiring that external materials are agreed as the plans are not specific. The Council's Drainage Engineer recommends that surface water is attenuated. I agree that such a condition is necessary to prevent uncontrolled run-off.
14. The details relating to surface water should be agreed prior to commencement as they may need to be put in place before the construction of the dwelling.
15. For the reasons given above the appeal should be allowed subject to the conditions set out within the formal decision.

Mark Dakeyne

INSPECTOR