
Appeal Decision

Site visit made on 16 January 2018

by Chris Preston BA(Hons) BPI MRTPI

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

Decision date: 12 February 2018

Appeal Ref: APP/U4610/W/17/3179099

Land at rear of 27 Camden Street, Coventry CV2 4PZ

- 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 John Tee against the decision of Coventry City Council.
 - The application Ref FUL/2017/0745, dated 24 March 2017, was refused by notice dated 08 June 2017.
 - The development proposed is described on the application form as: Retention of storage buildings, fencing and hard surfacing.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. The application was submitted retrospectively and was described on the application form as being for the, "Retention of storage buildings, fencing and hard surfacing". The term "retention" does not amount to an act of development for which planning permission can be granted. Consequently, I have treated the appeal on the basis that planning permission is sought for the "erection of storage buildings and fencing and the construction of hard surfacing".
3. The appellant maintains that the buildings are required in connection with the lawful use of the site for storage purposes. However, limited detail is provided as to precisely how the site would be used. Section 14 of the application form refers to the existing use of the site as B8 storage and, "storage and ancillary car repairs". Paragraph 4.5 of the appeal statement notes that, "None of the buildings forming subject [sic] of the planning application would be used for car repairs as the primary use of the site is for storage. The buildings are not large enough to accommodate a vehicle. Any ancillary car repairs are carried out externally to the buildings."
4. An application for a Lawful Development Certificate for the proposed use of the land for "general storage of vehicles and materials and ancillary repair of stored vehicles" was refused by the Council in May 2017¹. A concurrent appeal was submitted against that decision and I have determined that the use would not be lawful for the reasons set out within that decision². Consequently, the principle of the use of the site for storage purposes has not been established as lawful.

¹ LPA reference: LDCP/2017/0763

² Appeal reference: APP/U4610/X/17/3179095

5. In that context, I consider that the scope of the appeal against the refusal to grant planning permission is not limited to matters relating to the visual effects of the development but must also include consideration of whether the proposed function of the buildings, hard surfacing and fencing would be acceptable, having regard to the effect on the living conditions of neighbouring residents. The reasons for refusal, as set out in the decision notice, refer to those matters and the appellant has had the opportunity to present his case on the basis of that decision.
6. In view of the above, the main issues are the effect of the proposals on the living conditions of neighbouring residents and on the character and appearance of the surrounding area.

Reasons

Living Conditions

7. The appeal site is an irregular shaped piece of land which wraps around the rear gardens of Nos 27 and 29 Camden Street. On its eastern flank the land shares a boundary with No. 31 and, to the south, the boundary is shared with No. 25. To the north, the site borders the rear gardens of dwellings at Burlington Road, as well as an overgrown piece of land adjacent to the A444 which cuts past the site to the west. Access into the site is gained via a track which passes between Nos 29 and 31.
8. The rear gardens of Nos 27 and 29 are quite short in length and the nature of the site, as described above, is such that any use would co-exist cheek by jowl with the surrounding residential properties. Little information has been provided as to the exact nature of the use proposed. The application form refers to a storage use but the appeal form also refers to car repairs in the external areas of the yard. The appellant contends that such repairs would be ancillary to the storage use but, on the information before me, it is difficult to ascertain precisely what level of activity is envisaged.
9. Given the proximity to neighbouring properties any vehicle repairs undertaken within the open at the site have the potential to cause noise and disturbance and to impact upon the ambient character of the area. Vehicle repair activity could result in noise from a number of sources including vehicle engines being turned on and tested; pneumatic tools for repairs and tyre removal; general noise associated with vehicle parts being dismantled and put back together; as well as noise from those undertaking the activity, from general conversations, radios being played etc. Such activity would not necessarily be ancillary to any storage use because it has the clear potential to alter the nature and character of the area and may well represent a primary use of the land. In the absence of any tangible detail as to the level of car repairs I find that the suggested use has the clear potential to cause significant harm to the living conditions of neighbouring residents.
10. The storage use itself could also have significant impacts resulting from the associated comings and goings to and from the site and associated activity. If vehicles were stored it is not clear if they would need to be loaded onto vehicles to enter and leave the site; an activity that has potential to cause noise and disturbance. In terms of storage within the buildings little detail is put forward as to how often goods or items would be brought to or taken from the site, or what hours of operation would be expected. In the absence of such

details the appellant has failed to demonstrate that the proposed storage activity would be acceptable within a residential area in terms of its effect on the living conditions of adjacent residents. No conditions to mitigate any impact have been suggested by the appellant and, in the absence of any detail as to how the site would operate, it is difficult to consider how conditions would be effective in controlling a use that would be inherently incompatible with the surrounding residential environment.

11. In terms of the physical works proposed within the application, the buildings and the hard-standing have been erected/ constructed in association with a use that I have found would not be lawful. No other purpose for those works has been put forward. The use of the hardstanding and the buildings for their intended purpose would be likely to cause harm to the living conditions of neighbouring residents, particularly those closest to the site at Nos 25, 27, 29 and 31 Camden Street and those immediately to the rear at Burlington Road. In those respects, the development is contrary to the aims of saved policies EM5, E13 and OS6 of the Coventry Development Plan (2001) (the CDP) and one of the core principles of the National Planning Policy Framework (the Framework) which is that planning should seek to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Character and Appearance of the Area

12. Chapter 7 of the Framework identifies that the Government attaches great importance to good design and states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. In a similar vein, policy BE2 of the CDP seeks to ensure high quality design across the district. I can find nothing in either document to indicate that the requirement for good design only applies to development that is visible in the public realm.
13. The fencing that has been erected is of an industrial style comprising profiled metal sheeting which presents a harsh external appearance that is totally out of character with the domestic style and scale of boundary treatments normally found in a residential area. Accordingly, the fencing is unsuited to its context and I have no doubt that it provides an unsightly outlook for adjacent residents, particularly those living within Nos 27 and 29.
14. The appellant maintains that the fencing could be lowered to a height of 2 metres such that it would fall within the height limit permitted by virtue of Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Whether or not an alternative form of fencing would be lawful is not a matter for me to consider in relation to an appeal against the refusal of planning permission. An application was made in relation to the fence and the appeal is before me to determine. Even if the fence was reduced in height, as suggested, its industrial appearance would remain, as would its harmful impact on the outlook from neighbouring dwellings, contrary to the aforementioned design related policies of the CDP and Framework.
15. The building and portacabin have a utilitarian appearance with no redeeming design quality. That said, the scale of the buildings is comparable to garden sheds or similar structures that may commonly be found to the rear of residential properties. Consequently, purely in terms of appearance, I am satisfied that the buildings would cause no particular harm to the character and

appearance of the area. Similarly, the hard surfacing is not prominent or noticeable from outside the site or when viewed from neighbouring dwellings and I am satisfied that it causes no harm to the character and appearance of the area in visual terms.

Overall Conclusion

16. Whilst I have found that the fencing has caused harm to the character and appearance of the area I am satisfied that the buildings and hard surfacing have a broadly neutral impact in terms of their visual appearance. However, those elements have been erected/ constructed to facilitate a use of the site for the purposes of storage and outdoor vehicle repairs. Those uses are not lawful and would be likely to cause harm to the living conditions of neighbouring residents.
17. No material considerations have been put forward that would outweigh the harm that would arise in those respects and, accordingly, I conclude that planning permission should not be granted and I shall dismiss the appeal.

Chris Preston

INSPECTOR