
Appeal Decision

Site visit made on 18 June 2019

by E Griffin LLB Hons

an Inspector appointed by the Secretary of State

Decision date: 8th July 2019

Appeal Ref: APP/U4610/W/19/3226081

Coventry Saracens RFC, Bredon Avenue, Binley, Coventry CV3 2FD

- 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 Walsh against the decision of Coventry City Council.
 - The application Ref FUL/2018/1351 dated 2 May 2018 was refused by notice dated 6 November 2018.
 - The development is described as 'the area of grass running along bredon avenue off the existing car park, we intend to lay down a temporary surface on top of the grass (not breaking any ground) to be used as another car park area to cover an extended area to help ease the current congestion on the main road. details of the matting are included. and this will not change the use of the main pitch area which will remain as a sports pitch'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the development in the application form is very detailed and was clarified between the parties whilst the application was being processed. However, as the appeal is being dismissed and I have no evidence that the Council's subsequent description was agreed by the appellant, I have used the original description provided in the application form in the banner heading.
3. However, I have treated the application as a request for a permanent planning permission as the application form refers to the use of a temporary parking area which the parties indicate would have been for weekdays rather than a request for a temporary permission.

Main Issues

4. The main issues are the effect of the appeal proposal on (i) the character and appearance of the area with particular regard to green space and (ii) and upon the living conditions of nearby dwellings on Ibex Close with particular regard to loss of outlook and noise.

Reasons

Character and Appearance

5. The Coventry Saracens Rugby Club (the Club) consists of the pitch, run off areas, a car park with approximately 42 spaces, a single storey clubhouse and

the appeal site. The appeal site is a roughly rectangular area of grass land which is between the rugby pitch and Bredon Avenue. The Club is largely surrounded by dwellings. There are dwellings on Ibex Close along the southern boundary of the pitch and the appeal site and No 1 Ibex Close which is closest to Bredon Avenue faces the appeal site and is separated from it by a footpath. There is some hedging between the appeal site and the pavement on Bredon Avenue. The Club and the appeal site are easily accessible to the public both from the open access on Bredon Avenue and from the surrounding dwellings as there is limited fencing around the wider Club site.

6. The appeal proposal would create a car park with 50 spaces by laying no dig grass reinforced 'Tufmesh' on the existing grass. The car park would be used for commercial car parking between the hours of 8am and 7pm on weekdays and would not be linked to the Club's sporting activities. The appellant does state that the appeal proposal would not be used at weekends other than on 2 or 3 occasions per year.
7. Whilst the use of 'Tufmesh' to reinforce the grass surface would in itself have limited visual impact, the visual presence of up to 50 cars would have a harmful impact upon the character and appearance of the largely residential area. In addition, the Tufmesh specification refers to occasional and pedestrian use with examples given of emergency vehicle use or as an overflow car park. Commercial use for up to 50 cars per weekday is likely to create a muddy environment which would be in contrast to the current appearance. The appellant refers to discussions with the manufacturer about the suitability of the product, but no further details have been provided.
8. Although, the appeal site does not cover the pitch or the run off area, it is an area of informal recreational space that is associated with the pitch and is available for community use. The appellant states the public can continue to use the appeal site at weekends. However, the use of the appeal site as a car park would result in the loss of green space that is of value for both visual amenity and community use. No justification has been put forward by the appellant in terms of replacement space.
9. The appeal proposal would harm the character and appearance of the area by replacing an existing area of green space with up to 50 parked cars. It would therefore be contrary to Policies GE2 and CO2 of Coventry City Council Local Plan Adopted 6 December 2017 (the Local Plan) which state, amongst other things, that loss of green space that is of value for amenity and community use will not be permitted unless it can be demonstrated through an assessment that there is no demand, or a deficiency would not be created through its loss or any loss would be replaced by better or equivalent provision.
10. The appeal proposal would also be contrary to Policy DE1 of the Local Plan which states that development proposal must respect and enhance their surroundings and positively contribute towards the local identity and character of the area.

Living conditions

11. There is limited evidence about how the appeal proposal would be managed or secured and whether there would be any time limits for parking or any restrictions on users or types of vehicles. The appellant has referred to the proposal being used by family cars but provides no further details. Although

reference is made to the appeal proposal being used at intervals so that a build-up of traffic and noise does not occur, no further information is provided as to how that would work.

12. I therefore find that insufficient information has been provided to demonstrate that the appeal proposal would not be harmful to the living conditions of the occupiers of nearby dwellings on Ibex Close with particular regard to noise.
13. Occupiers of dwellings at Ibex Close currently look out onto the Club and the appeal site as a green space forms part of the visual amenity of the wider Club site. The proximity of the appeal proposal with up to 50 parked cars would harm the living conditions of nearby dwellings particularly No 1 Ibex Close due to loss of outlook.
14. The appeal proposal would therefore be contrary to Policy H5 of the Local Plan which, amongst other things, requires new development to be positioned so that it does not adversely affect the amenities of the occupiers of neighbouring properties.

Other Matters

15. Whilst the appellant has referred to the existing hard surfaced car park already being used informally for local businesses and the general public, that is in a different location and in any event, I can only assess the appeal proposal before me. Whilst planting has been suggested by the appellant to include the wider site, I have no further information as to the nature or extent of any proposed planting.
16. The appellant indicates that the appeal proposal is intended to ease congestion on Bredon Avenue and will not change the use of the pitch which will remain for sports and community use. However, whilst limited information has been provided as to the hours of use of the pitch, the presence of parked cars on the appeal site with its proximity to the pitch is likely to restrict the use of the pitch as well as the appeal site on weekdays.
17. Local residents have raised other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion.

Conclusion

18. For the reasons given, the appeal is dismissed.

E Griffin

INSPECTOR