



Appeal Decision

Site visit made on 15 August 2019

by K Stephens BSc (Hons), MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/U4610/W/19/3230130

The Old Police Station, 519 Tile Hill Lane, Coventry

- 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 Sohan Thadwal of Bracs Plus Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2018/2914, dated 9 October 2018, was refused by notice dated 13 December 2018.
 - The development proposed is described as 'Demolition of existing building and erection of 3, 2bed dwelling houses, 1 block of flats containing 5, 1 bed flats three storeys in height and a second block of flats containing 3, 1bed flats and 6, 2bed flats three storeys in height'.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The above description of the development is taken from the application form. However, it is apparent from the appeal form, the Council's description of development and the appeal plans that the proposal has been amended so that the second block of flats is for 6 flats and not 9 flats, reducing the overall number of residential units from 17 to 14. I have therefore determined the appeal on this basis, notwithstanding the application form description given above.
3. On the refusal notice the Council has listed the plans against which it determined the application. However, there are a number of discrepancies. During the application, the scheme was amended to remove parking from outside the block of 6 flats, as shown on Plan 0039-01 Rev J (Scheme drawing). However, a similar Plan 0039-06 (Block Plan) is listed but still shows this parking area. I consider Plan 0039-01 Rev J is the more up to date plan the Council determined and shows a total of 22 parking spaces across the whole development. The appellants also submitted two different design solutions for the dwellings: 0039-04 Rev C and 0039-04 Rev F (not 0038-04F which is a typographical error). The Council considered both of these and so have I.
4. Furthermore, the appellants has submitted a new plan 0039-02 Rev B-C to correct the error on the plan title for 0039-02 Rev C that wrongly refers to 9 flats when the floor plans clearly show 6 flats. The Council is aware of this plan and as no parties would be prejudiced by my acceptance of it, I have taken it

into account in my decision. For the avoidance of doubt, I have determined the appeal against the following plans:-

0039-01 Rev J (Scheme drawing); 0039-02 Rev C-B (Feasibility study 6 flats); 0039-03 Rev B (Feasibility study 5 flats); 0039-04 Rev C (Feasibility study dwelling); and 0039-04 Rev F (Feasibility study dwelling).

5. The application is in full, so the plans are not illustrative despite the term 'feasibility' in some of their plan titles, and if approved, the scheme would be built in accordance with the submitted plans.

Main Issues

6. The main issues in this appeal are:
 - The effect of the proposed three dwellings on the character and appearance of the area, with particular regard to their design and separation distance from existing dwellings;
 - The living conditions of existing and future occupiers with particular regard to gardens and parking; and
 - Whether the proposal makes adequate provision for education and NHS health facilities.

Reasons

7. The appeal site is a vacant former Police Station with hardstanding car park located within a predominantly residential area. The site also includes an area of open grassed space. The site is linear but occupies a prominent location on the corner of Tile Hill Lane and Tremelay Drive. The former Police Station building would be demolished.
8. Opposite the site and on Blanchfort Close there is new housing comprising 3-storey dwellings with parking to the front. Along Tremelay Drive adjacent to the site are two storey dwellings. To the rear of the site along its eastern boundary are residential properties of Lomsey Close and their gardens. Although there are a mix of house types and designs, most properties have reasonable sized gardens.
9. The proposal is for the erection of three detached two-storey dwellings, and the erection of two blocks of flats providing 11 flats, each three storeys high. The larger block of flats, closest to the junction with Tile Hill Lane, would have 6 x 2bed flats, and the other block would have 5 x 1bed flats. Occupiers of the flats would have a communal on-site residents' car park and each dwelling would have its own driveway with parking 2 vehicles.

Character and appearance

10. The Council's 'Design guidance for new residential development' Supplementary Planning Guidance (SPG) stipulates that there should be a minimum 20m separation distance between new and existing windows in order to protect the amenity of residents. This distance can be reduced in cases where windows are not directly facing, where there is a permeant, where there is a substantial barrier preventing intervisibility, or the relevant windows to the new development are not to habitable rooms. Any reduction in standards would also be a judgement influenced by such factors as design quality and the character of the area.

11. The first floor bedroom windows of the proposed dwellings would directly face the rear of properties on Lomsey Close. The separation distance would be 18m, which falls short of the minimum requirement. The boundary between the proposed and existing dwellings is palisade fencing, some self-seeded sycamore trees and shrubs, which would be removed to facilitate the development and hence would not be a 'permanent or substantial' barrier. The appellants declined the Council's suggestion of single storey dwellings or reorienting them.
12. To address the matter, the appellants proposed two different design solutions for the first floor rear elevations windows. One design, which is the appellants' preferred solution, would involve three high level windows¹ each to serve a bedroom, bathroom and landing. The appellants have submitted photographic examples of rooms with such windows. The landing and bathroom windows, which are to non-habitable rooms, could be conditioned to be obscure glazed. The bedroom would be dual aspect so the high level windows would be a secondary light source to these rooms. It would be to the rear of the dwellings and not in public view. However, this window arrangement results in a stark and unbalanced elevation design and the alignment of three high level windows indicates to me a contrived design to overcome an unsatisfactory close arrangement of dwellings.
13. The alternative rear elevation² would involve an asymmetric roof design, with a longer rear roof slope and significant overhang. As a result, the rear eaves line would be much lower obviating the need for any windows in the rear wall. Instead there would be a rooflight each for the bathroom and landing and the bedroom would rely on its front facing window. In my view, this alternative design would look less contrived.
14. Whilst both designs would address issues of overlooking or privacy, the size of gardens is also a factor to consider in the overall density and pattern of development, as it contributes to character and appearance. Whilst the proposed gardens to the dwellings are wide enough to reflect the width of the dwellings and their parking spaces, the resulting uncharacteristic short plots together with the contrived house designs would result in development out of keeping with the prevailing character of the area. Good design is promoted in chapter 12 of the National Planning Policy Framework (the 'Framework'), with high quality buildings and places being fundamental and that new development is sympathetic to local character and the surrounding built environment.
15. Planting a dense boundary screen or trees to create a more permeant or substantial barrier would not be an acceptable solution as it would reduce light to the dwellings and rear gardens, compounded by their short depth (discussed later). There would also likely be overshadowing of the gardens of existing properties due to the path of the sun.
16. Accordingly, the proposal would be contrary to Policy DE1 of the Coventry Local Plan 2016 (CLP), which seeks amongst other things to ensure development respects its surroundings, positively contributes to the area, and secures high quality design. It would also be contrary to the design guidance in the Framework and the Council's SPG.

¹ plan 0039-04 Rev C

² plan 0039-04 Rev F

Living conditions

17. The SPG advises that rear gardens should be a minimum of 10m depth to provide adequate amenity space between dwellings, in the interests of daylight, overshadowing and privacy, and for providing a reasonable standard of amenity for residents. The rear gardens of the proposed dwellings would be 6m long, which falls short of the recommended minimum.
18. Rather than relying on garden depth alone, the appellant draws my attention to the comparisons of overall garden areas of neighbouring properties at Lomsey Close and Tremelay Drive and that by comparison the proposed dwellings would have larger gardens than some. The proposed garden areas would also exceed the private garden area standards set out in the SPG of 30m² and 50m² for 1-2, and 3 or more person, dwellings respectively. However, most of the gardens in the area look to be longer than the proposed gardens and a minimum 10m depth of garden is a significant factor for amenity reasons, as explained above. I have no details or the particular circumstances of why shorter gardens were deemed acceptable in some of the appellant's examples. In my view, the short rear gardens would provide inadequate depth resulting in reduced amenity and a poor residential environment and living conditions for future occupiers.
19. The Council's parking standards set out requirements of 2 spaces/per 2 bed dwelling/flat plus 1 unallocated space per 10 dwellings, and 1 space/per 1 bed dwelling/flat plus 1 unallocated space per 5 dwellings. As the number of 2 bed units (flats and dwellings) across the whole site is less than 10, there would be no requirement for unallocated visitor parking for these types of houses. However, the 5 x 1bed flats would trigger the need for one unallocated space.
20. The proposed development would therefore generate a need for 24 spaces (12 for the 6 x 2 bed flats, 6 for the 3 x 2 bed dwellings and 5 for the 5 x 1 bed flats, plus 1 unallocated for the 5 flats). The scheme would provide a total of 22 off-street parking spaces and hence be 2 short, although the Council calculate the scheme would be 5 spaces short.
21. On my visit I observed that the terraces of three storey dwellings opposite and in Blanchfort Close generally had driveway parking for one vehicle with an integral single garage. Some garages had been converted into rooms leaving the property with one space, unless the driveway had also been widened. Vehicles that were parking on the road were half mounted on the pavement suggesting to me the road was not wide enough for cars to park and for traffic to pass easily in both directions. Furthermore, parking on the pavements would impede pedestrians and those with mobility issues including those with pushchairs.
22. I understand that there is to be further residential development for a 40-unit residential apartment block on the other corner of Tremelay Drive opposite the site, and the Council will be implementing a residents' parking scheme. This would indicate to me that parking provision in the area is already under pressure without the extant permission and the proposed scheme coming forward. Whilst the Highway Authority has not objected on highway safety grounds and the parking standards are a maximum, the shortfall of parking would likely result in on-street parking pressures that would be to the detriment of the immediate area and to existing and future residents. I acknowledge that the appellant could provide 2 parking spaces directly in

front of the block of 6 flats adjacent to the boundary with to 29 Lomsey Close. However, the siting of these spaces close to the rear of the house would cause noise and disturbance and harm their living conditions.

23. I find the combination of short gardens and insufficient on-site parking would result in an overall poor residential environment that would harm the living conditions of existing and future residents. Accordingly, the proposal, would be contrary to CLP Policies DE1 and H3 which collectively seek to ensure a high quality residential environment with adequate amenity space and parking provision.

Planning obligation

24. The application is subject to a planning obligation, under section 106 of the Town and Country Planning Act 1990, to secure measures to mitigate against the impact of the development and make it acceptable in planning terms, as required by CLP Policy IM1. The development would require monetary contributions towards education and the NHS. I am satisfied that the obligation would meet the tests in Regulation 122 of the Community Infrastructure Levy Regulations.
25. A s106 planning obligation has been prepared but the Council is not willing to sign it unless the appeal is allowed. Therefore, I do not have a duly executed and certified copy of the obligation before me. To overcome this, the appellant has submitted a signed Unilateral Undertaking (UU) to pay the same amounts. However, the Council is not satisfied with the wording for the payments to the NHS. Having seen the wording in the unsigned planning obligation, I agree that the wording in the UU is not sufficiently precise. Furthermore, a UU does not bind the Council, which is why a s106 planning obligation is preferable. In the absence of a duly executed planning obligation, the proposal would be contrary to CLP Policy IM1, whose aims are outlined above.

Other Matters

26. The appellant draws my attention to the site being previously developed land. The Framework promotes the effective use of land and that significant weight should be given to the value of suitable brownfield sites within settlements for homes. The Council has confirmed it has a 5 year housing land supply and that residential development on the site is acceptable in principle. Notwithstanding the above, the development of previously developed land is not to be undertaken at all costs and in this case does not outweigh the harm.
27. A number of residents raise a series of other concerns about the proposal but in view of the reasons for refusal and my conclusions on the main issues there is no need for me to address these in the current decision.

Conclusion

28. For the reasons set out above, having regard to all matters raised, I conclude that the appeal should be dismissed.

K Stephens
INSPECTOR