



Appeal Decision

Site visit made on 1 October 2019 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th February 2020

Appeal Ref: APP/U4610/W/19/3234859

PLOT-B, Bridgeacre Gardens, COVENTRY, CV3 2NP

- 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 Ajay Agarwal against the decision of Coventry City Council.
 - The application Ref FUL/2019/0975, dated 15 April 2019, was refused by notice dated 18 June 2019.
 - The development proposed is erection of a bungalow.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the area, including its effect upon urban green space;
 - whether the proposed development would provide acceptable living conditions to the intended future occupiers with regard to outlook and light;
 - the effect of the proposal on the safety of footway users; and
 - whether suitable access would be provided for the Fire Service to the nearby urban green space.

Reasons for the Recommendation

Character and Appearance

4. The appeal site is located at the end of a cul-de-sac comprising terraced two storey properties. The rear of the properties faces towards the road and the front elevation faces onto small largely grassed front gardens and a pedestrian footway, which leads to the open space beyond the end of the cul-de-sac.

5. The appeal site comprises an irregular shaped parcel of open land at the western end of Bridgeacre Gardens, adjoining No 120. This area of land along with that to the other side of the footway which runs parallel with the built up area of Bridgeacre Gardens, forms an attractive open, green linear buffer between built development in the area.
6. The development of a bungalow on the appeal site would extend the built development of Bridgeacre Gardens beyond the existing built form, into an open area of land. It would also project forward of the adjoining terrace. As a consequence, it would introduce a prominent, alien form of development into this attractive area which would be significantly at odds with the established residential character. The provision of car parking and a large expanse of driveway adjoining the existing footway adds further to my concern about the harmful effect of the appeal proposal.
7. Moreover, the proposal would result in a loss of the landscaped buffer surrounding development in Bridgeacre Gardens, which would detract from its pleasant open character. It would also significantly enclose the footway adjoining the appeal site which serves nearby development and the wider area of urban green space. The proposal would not reflect the character and appearance of existing residential development in the area, or the wider urban green space. In reaching this view I acknowledge that the appeal site is privately owned and that the appellant could enclose it with a fence or hedgerow, however such enclosure would be unlikely to have the same impact as the appeal proposal. This matter therefore carries limited weight in my consideration of the proposal.
8. Whilst existing vegetation would provide some screening of the appeal proposal from the east, this would not mitigate the harm to the character and appearance of the area when viewed from other directions. In any event the existing vegetation is not in the control of the appellant and could be removed at any time, so cannot be relied upon to soften the impact of the development. I note that the appellant is willing to provide additional landscaping, but no details are before me. In any event, meaningful landscaping would take some time to mature and it would not in this case address the harm that I have identified.
9. For the reasons set out above I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area, in conflict with Policies DE1, H3 and DS3 of the Coventry Local Plan 2016 (LP), the Design Guidance for New Residential Development (DG) and the Framework which collectively seek high quality design which respects and enhances the surroundings, including landscape quality. Moreover, whilst there is no dispute that there is not a deficiency of green space within the locality, the proposal has not sought to replace the loss of Green Space that would result elsewhere in the city, thus there is conflict with LP Policy GE2 in this regard.
10. LP Policy H5 has been included in the Council's decision notice which relates to the management of the existing housing stock. The proposal would not adversely affect the existing stock of housing and as such this policy is not relevant to the case before me. The Council also included LP Policy GE3 within its refusal reason. On the evidence before me I find no conflict with this policy

in terms of habitat biodiversity. In the event that the appeal was successful a suitably worded planning condition could be imposed requiring measures to be implemented to enhance the natural and local environment. In terms of the tree that would be removed as part of the proposal I consider that if the proposal was acceptable in all other respects that a replacement could be provided as part of the scheme which could be controlled by condition such that there would be no conflict with LP Policy GE4.

11. On the evidence before me, the proposal could be accommodated by the local highway network. It would integrate with existing transport networks, and whilst being sited close to the existing footway it would not prevent this route from being used. Accordingly, there would be no conflict with the aims of LP Policies AC1, AC2 or AC3 in this regard. It is noteworthy that no objections were received from the Highway Authority.

Living Conditions

12. A bedroom window of the new dwelling would be located close to the eastern boundary of the site. The outlook from this window would be of the two storey gable end of No 120 and the single storey flat roof storage units in close proximity. The juxtaposition of these structures and this bedroom window would limit the amount of natural light reaching into the room and would create a gloomy environment within which to spend time.
13. Whilst I note the concerns of the Council in respect of the relationship of the new dwelling and windows to boundary treatments, no details are before me at this stage. Accordingly, I am unable to conclude on this matter.
14. Notwithstanding the above, I conclude that a poor quality living environment would be provided to the intended future occupiers of the bungalow because of the relationship of the bedroom window to adjoining development. This would be in conflict with LP Policy DS3 and the guidance of amenity within the DG which, seeks amongst other matters, for development to increase health and wellbeing and quality of life.

Safety

15. The proposed dwelling would have windows facing towards the footpath across part of the open space adjoining. In this regard natural surveillance of this feature would be increased, over and above the current situation. I acknowledge that tall boundary treatment around the proposed garden area, including landscaping would be likely to reduce visibility along the footway within the vicinity of No 120 in a northerly direction. However, the reduction in visibility along the footway would only be for a short distance. The new dwelling would be unlikely to make users of the footpath feel less safe or secure about using this route.
16. On the basis of the evidence before me I conclude that the proposal would not adversely affect the safety of footway users. There would be no conflict with the safety aims of LP Policy DE1 or the guidance in the Framework which requires that places are created which are safe and promote well-being, as required by paragraph 127 f) of the Framework.

Fire Service Access

17. I acknowledge that concerns have been raised by the Fire Brigade regarding access to the open space in the event of a fire. The Council, in consultation with the Fire Brigade accept that an alternative access to the open space is available, notwithstanding the fact that this would necessitate the use of a smaller response vehicle. I have no evidence before me to demonstrate that a smaller response vehicle would not be able to deal with an emergency situation upon the open space and accordingly this matter is not a determining factor in this case. There would be no conflict with the safety aims of LP Policy DE1 in this regard.

Planning Balance

18. I acknowledge that the appeal proposal would make a contribution to the supply of housing in the area and increase housing choice, albeit the benefits of this would be limited given the quantum of development proposed. I also acknowledge that the appeal site is located close to services and facilities and in this regard, it is sustainably located. However, this in my view is not a benefit in favour of the proposal, but a matter that would be expected from a well-located residential development.
19. Against the matters advanced in support of the proposal is the harm that would be caused to the character and appearance of the area and to the living conditions of the intended future occupiers, in conflict with the development plan and the Framework. Taken together the matters advanced by the appellant do not outweigh the conflict with the development plan when taken as a whole.

Conclusion and Recommendation

20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR