



Appeal Decisions

Site visit made on 27 January 2020

by Jonathan Hockley BA (Hons) DipTP MRTPI

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

Decision date: 26 February 2020

Appeal A: APP/U4610/W/19/3237168

10 Spon Street, Coventry CV1 3BA

- 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 M Naveed against the decision of Coventry City Council.
 - The application Ref FUL/2019/0125, dated 17 January 2019, was refused by notice dated 4 April 2019.
 - The development is described as 'retention of two number artificial palm trees facing car park and Queen Victoria Road (footpath) to rear of 10 Spon Street'.
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Appeal B: APP/U4610/Y/19/3237167

10 Spon Street, Coventry CV1 3BA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by M Naveed against the decision of Coventry City Council.
 - The application Ref LB/2019/0245, dated 17 January 2019, was refused by notice dated 4 April 2019.
 - The works are 'retention of two number artificial palm trees facing car park and Queen Victoria Road (footpath) to rear of 10 Spon Street'.
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Decisions

1. The appeals are dismissed.

Preliminary Matters and Main Issue

2. The appeals concern the retention of two artificial palm trees, which have been in place since 01/09/17 according to the application form. The palm trees stand either side of a modern two storey building which is located to the rear of No 9 Spon Street, a Grade II listed building. The site also lies within the Spon Street Conservation Area (SSCA).
3. The main issue in this case is therefore the effect of the artificial palm trees on the character and appearance of the Conservation Area and on the setting of No 9 Spon Street, a Grade II listed building

Reasons

4. No 9 Spon Street is a sixteenth century building, constructed with a timber frame and plaster infilling. The two storey double plan building has an overhanging first floor, and the listing notes that the property was formerly No 7 Much Park Street, but was re-erected and restored to Spon Street between March and June 1972. The eastern gables of the building, complete with their prominent timber frame, faces towards a public car park.

5. No 9 forms a group with other listed buildings in Spon Street and is part of a row with Nos 10-12 Spon Street. The age of the properties, their timber frames and their prominence in the street scene all form part of the buildings' special interest and significance. The side gables of No 9 are particularly noticeable in the street scene.
6. The Council's Conservation Officer notes that Spon Street occupied a significant part of the medieval city, running up to the Spon Street gate in the wall circuit and was part of an important east-west axis of medieval craftspeople/artisans in the city flanked by long thin burgage plots, and remains one of the most intact medieval streetscapes in the city. The SSCA is characterised by the age of the buildings within it, the historical connotations and connections within the city and has a traditional and quite intimate feel, in contrast to the surrounding bustling and built up areas of the central core of the City.
7. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. Policies DE1 and HE2 of the Coventry Local Plan (December 2017) together state that all development must respect and enhance their surroundings and positively contribute towards the local identity and character of the area, and that development will be supported where it conserves and as appropriate enhances heritage assets such as listed buildings and conservation areas.
9. The two palm trees measure some 6 metres in height and stand at either end of a modern two storey red brick building. This property features a double plan and faces gable towards the east, presumably to match No 9 Spon Street. When looking from the public car park the street scene is somewhat dominated by the large industrial grey, blue, and yellow IKEA store immediately to the south of the appeal site.
10. Despite the proximity and dominance of IKEA in many local views, the palm trees have an incongruous air in the street scene, appearing out of place in views from the corner of Lower Holyhead Road and Spon Street to the north, and from the edge of the car park. Closer up, the trees appear even more out of place where their height and the glass reinforced plastic and steel trunk and fixing bolts become more evident and the artificial nature of the trees reveals itself. This artificial nature is clearly evident from closer views and hence the trees do not soften the built form behind them, more add to the amount of built form in the area, and appear discordant within the street scene and in conjunction with the actual trees set in the pavement in front of them (even when such trees are bare, as was the case during my visit).
11. The appellant refers to a Council consultation on trees and development. However, this does not appear to refer to artificial trees; moreover, I consider that the palm trees in this instance do not contribute to the conservation or enhancement of the landscape, provide an overall environmental benefit or soften the outline of the building behind them. Whether or not palm trees gain more of a foothold in the UK due to climate change, the trees in this case are artificial.

12. The appellant also notes that the trees have been in place for over two years with no complaints. However, this does not alter my views of the adverse effect of the trees; the incongruous nature and appearance of the artificial palm trees attracts the eye and draws attention to its adverse impact on the setting of No 9 Spon Street and fails to preserve or enhance the character or appearance of the SSICA.
13. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of designated heritage asset, great weight should be given to its conservation. Significance can be harmed or lost through alteration of the heritage asset and any harm should require clear and convincing justification. For the reasons given above I consider the proposal would result in harm being caused to the setting and the significance of No 9 Spon Street and to the character and appearance of the SSICA. As the trees only affect a small area of the setting of No 9 and of the SSICA, I am satisfied that the degree of harm caused would be less than substantial.
14. Paragraph 196 of the Framework states that such harm should be weighed against the public benefits of a proposal, including its optimum viable use. I can appreciate that the owners of the building have invested considerably in the local area, removing previous poor-quality buildings and unkept green space to make a success of their business. However, there is no evidence that the palm trees are vital to the viability of the business and there appears to be few public benefits to the retention of the trees. What benefits there may be do not outweigh the great weight I am required to give to the harm that the trees cause to No 9 Spon Street and to the SSICA.

Conclusions

15. I have concluded that the trees cause harm to the setting of No 9 Spon Street and do not preserve the character and appearance of the SSICA. The trees are contrary to Policies DE1 and HE2 of the Coventry Local Plan.
16. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR