
Appeal Decision

Site visit made on 10 March 2020

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2020

Appeal Ref: APP/U4610/W/19/3243199

35-37 Stanley Road, Coventry CV5 6FG

- 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 Greydoors Ltd against the decision of Coventry City Council.
 - The application Ref: FUL/2019/2617, dated 12 October 2019, was refused by notice dated 2 December 2019.
 - The development proposed is the erection of a single storey storage building to the rear of the garden in connection to the flats and linked to planning permission R/2009/0683 to provide cycle, motorcycle store for residents.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey storage building to the rear of the garden in connection to the flats and linked to planning permission R/2009/0683 to provide cycle, motorcycle store for residents at 35-37 Stanley Road, Coventry CV5 6FG in accordance with the terms of the application, Ref: FUL/2019/2617, dated 12 October 2019, subject to the conditions set out at the end of this decision.

Preliminary Matter

2. The description of development and representations refer to the proposal being linked to planning permission granted in 2009. This link is not a matter before me and I have treated the appeal on the basis that the proposal simply seeks a building to provide the storage set out in the details submitted.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

4. It is clear from the Council's submitted representations that it does not take issue with the proposal in respect of its potential impact on neighbours. Nor is there any suggestion that the retained garden would be insufficient to cater for the needs of the occupiers of the host property. As such the development would accord with the relevant development plan¹ policy and supplementary planning guidance (SPG) in this regard (Policy H5 and HMO SPG). I have no reason to disagree with the Council on these matters.

¹ The City of Coventry Local Plan 2016

5. I have noted the concerns relating to the bulk and dominance of the building between the terraced properties on Stanley Road and Osborne Road, and in relation to the proximity to the adjacent public footpath. However the pattern of development locally is not simply that of back to back facing terraces. There are significant 'in depth' developments at Regency Court and Aylesdene Court to the rear of Osborne Road and these intrude into the space between terraces. I therefore see no reason why a building of the size proposed would unacceptably interrupt the current development pattern. In itself it is not a large building, being around 10m in width and 7.5m in depth. The height at about 4m to the ridge is also modest in relation to the surrounding buildings. I note for comparison that the wall on the opposite side of the footpath is about 2.5m in height compared with eaves height of the proposed building of just over 2m. Thus, although the building would be visible above the boundary fence to the site, it would influence only a short stretch of the footpath, and be seen in the context of the opposite wall.
6. At present this part of the appeal site is overgrown, with damaged fencing to the boundary. The development would do much to tidy up the area and in that respect would be an enhancement to the locality. Local Plan Policy DE1 seeks to ensure that development respects and enhances the surroundings and contributes to local identity and character. These objectives are consistent with the similar aims of the National Planning Policy Framework (NPPF). In my judgement the design of the building would be acceptable, being simple and consistent with a residential area. The proposed brick walls and tiled roof would harmonise with the locality and can be controlled by condition. Taken overall I am satisfied that the proposal would not have an unacceptable effect on either the pattern of development hereabouts, or the visual amenities of the locality. I find that it would not be harmful to the character or appearance of the surrounding area and would accord with the development plan.

Other Matters

7. I have noted the comments relating to the potential for the building to be used as a separate dwelling. This is a matter which remains in the control of the local planning authority and does not detract from the proposal before me. Similarly the maintenance of the tree on site is not something I can take into account. The presence of Japanese Knotweed on the site of the proposal is noted and it would be possible to require a scheme to ensure its eradication as part of the development. None of these other matters alter the balance of my conclusions that the proposal is acceptable.

Conditions

8. As I have noted above external materials and Japanese Knotweed eradication can be controlled by condition. In addition it is necessary to specify the approved drawings in order to ensure the development is carried out as permitted. I also consider it necessary to control the use of the building in order to protect the amenities of the locality. Where necessary I will amend the suggested conditions for clarity and to meet the appropriate tests.

Overall Conclusion

9. For the reasons given above I conclude that the appeal should be allowed subject to the following conditions.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan – 1:1250
Block Plan – 1:500
Drawing No DWG 01 – elevations and floor plans
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The building hereby permitted shall be used solely for the purposes of storage in connection with the enjoyment of the premises at 35 – 37 Stanley Road, and shall not be used for primary living accommodation or for the purpose of any trade or business.
- 5) The building hereby permitted shall not be first used until an invasive non-native species protocol (INNSP) has been submitted to and approved in writing by the local planning authority. The INNSP shall detail the timing and method of containment, control and removal of Japanese Knotweed from the site. The development shall be carried out in full accordance with the measures identified in the approved INNSP.

Philip Major

INSPECTOR