
Appeal Decision

Site visit made on 08 December 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2021

Appeal Ref: APP/U4610/D/20/3258234
65 Brays Lane, Coventry CV2 4DS

- 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 David Saul, Witham Estates LTD, against the decision of Coventry City Council.
 - The application Ref HH/2020/0401, dated 16 February 2020, was refused by notice dated 15 April 2020.
 - The development is described as solar panels retrospective.
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Procedural Matters

1. I observed that the development has already been undertaken and I have made my decision on this basis.
2. I note that the Council's main concern relates to the effect of the solar panels at the front of the property on the setting and character and appearance of the Stokes Green Conservation Area (CA). I am satisfied that the solar panels at the rear of the property do not harm the setting or character or appearance of the CA; indeed, the Council has subsequently granted permission for the solar panels at the rear.

Decision

3. The appeal is dismissed.

Application for costs

4. An application for costs was made by Witham Estates LTD against Coventry City Council. This application is the subject of a separate Decision.

Main Issue

5. In light of the above, the main issue is whether the development affects the setting and/or the character or appearance of the CA.

Reasons

6. The site is located on Brays Lane, adjacent to the eastern boundary of the CA and directly opposite the north eastern corner of the Stoke Park housing estate. The significance of the Stoke Park estate to the CA is mainly derived from its road pattern and the type of housing laid out around it. Thus, there is a looped, figure of eight style road layout with detached and semi-detached dwellings fronting the estate roads, with varying setbacks and relatively

spacious gardens. There is a historical stone wall around parts of the estate, including along its eastern boundary on Brays Lane, which also contributes to the significance of the heritage asset. The estate dates to the Victorian period and is unique to Coventry, contrasting with the surrounding grid style road layout and, predominantly, rows of terraced properties.

7. I consider the immediate setting of the CA to include the stretch of Brays Lane adjacent to the CA's eastern boundary, including the late 19th/early 20th century properties on the eastern side of the Lane. Given the close proximity of the appeal site to the CA boundary and the surrounding stone wall, and the important contribution that the appeal site and surrounding properties make to the CA's setting, I consider this immediate setting to also be important to the significance of the CA.
8. Policy HE2 of the Coventry Local Plan-2017, (LP), requires development proposals to conserve, and where appropriate enhance, aspects of the historic environment which are of significance, with consideration being given to the setting of historic assets. The National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. The solar panels of concern are sited on the front, western facing roof slope and therefore face the CA and Stoke Park boundary, including the boundary wall. I appreciate that factors such as the trees at the front of the property and the gabled bay frontage restrict views of the solar panels. However, they are visible when walking along Brays Lane in a northerly direction from the south, alongside the Stoke Park estate walling. I consider the introduction of this modern technology on the roof slope fronting the CA boundary to have a detrimental impact on the street scene, which I also consider is harmful to the setting of the CA. Consequently, the development would be harmful to the character and appearance of the CA.
10. As the development is relatively small-scale, with reference to paragraph 196 of the Framework, I consider the extent of harm to the CA to be less than substantial; this should therefore be weighed against the public benefits of the development. The appellant has drawn my attention to Policy DS3 of the Coventry Local Plan-2017 (LP). Although I have not been provided with a copy of the policy, I understand it aims to secure the use of low carbon, renewable and energy efficient technologies. I acknowledge that the use of such technologies is of public benefit. The appellant also suggests that there are economic benefits that result from the use of such technology and that the technology will support the well-being of tenants. However, given the small-scale nature of the development, and bearing in mind the advice in the Framework that great weight should be given to the conservation of heritage assets, I consider the benefits to be minor, to which I attach only limited weight. I therefore conclude that the benefits outlined do not outweigh the harm to the setting and the character and appearance of the CA that I have found.
11. Consequently, the development does not accord with policies HE2 and DE1 of the LP or heritage policies in the Framework, which collectively and among other things, require new development to be of high quality design, respect

and enhance their surroundings, positively contribute to local identity and character and to conserve or enhance the significance of heritage assets.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR