The Planning Inspectorate

Appeal Decision

Site Visit made on 5 January 2021 by G Sibley MPLAN MRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/U4610/D/20/3262340
56 Cobden Street, Coventry CV6 5DY

- 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 S Sanghera against the decision of Coventry City Council.
- The application Ref: FUL/2020/0515, dated 26 February 2020, was refused by notice dated 11 May 2020.
- The development proposed is proposal consists of a garage for vehicular and storage use.

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:

   i. The effect of the proposed development upon the character and appearance of the area;

   ii. The impact of the proposed development upon the living conditions of the occupiers of No.54, No.56 and No.58 Cobden Street and the occupiers of No.41-43 Cromwell Street; and

   iii. The impact of the proposed development upon highway safety.

Reasons for the Recommendation

Character and appearance

4. The site is located in the garden for No.56 and No.58 Cobden Street and No.58 is an end terrace dwelling and these dwellings are Victorian red brick terrace buildings, which is common in the area. The garden appears to be in single ownership at present but it is likely that it would previously have been divided between the two properties. The area around the site is in mixed use, with a mix of commercial and residential uses. However, the site forms part of a run of gardens to the rear of Cobden Street and Cromwell Street which clearly have a domestic character.

5. The wider area is in mixed use but Cobden Street itself is part of a tightly packed run of terraced dwellings which are set out in perimeter blocks. Notwithstanding the presence of the boundary wall, views of the gardens to the rear of Cobden Street and Cromwell Street are available from public vantage points on Peel Street. Given the dense character of the residential environment those gardens provide a welcome sense of space and visual relief from built development. The mature trees in the rear gardens also add a sense of greenery in an environment that is largely devoid of trees within the public realm.

6. Whilst some structures have been constructed to the rear of neighbouring properties, they are generally modest in scale and commensurate with the associated size of the gardens. In contrast, the garage would extend almost the full length of the gardens, with a small section left undeveloped between the rear of the dwellings and the flank wall of the garage. As a result, the structure would appear disproportionate to the available space and out of kilter with the modest domestic scale of other outbuildings in the immediate vicinity.

7. The existing wall along Peel Street, whilst relatively tall, still retains the openness of the area which is a positive characteristic of the area. In contrast, the proposed garage would enclose this section of Peel Street and would result in the erosion of the openness in this section of the road. That would amount to an undesirable intensification of built form in an already tightly packed urban environment.

8. Therefore, the proposal would cause harm to the character and appearance of the area contrary to Policy DE1 of the Coventry City Council Local Plan (adopted 2017) (LP) which states that all development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area. The proposal would also be contrary to the aspects of the National Planning Policy Framework (the Framework) that relate to the need for good design which is a fundamental aspect of sustainable development.

Living conditions

9. No.56 and No.58 would retain very small gardens, with most of the rear garden taken up by the proposed garage and this area would be enclosed between the flank wall of the garage and the rear of the dwellings. The limited rear garden would not provide suitable space for basic outdoor amenities and would be an unattractive environment to use on account of the sense of enclosure, regardless of whether the dwellings, were used by families or converted into apartments or Houses in Multiple Occupation. Consequently, the proposal would create an unpleasant external environment.

10. In addition, the garage would be extremely close to the single storey extension to the rear of No.54 which contains a window which would face directly onto the flank wall of the garage. The appellant has not disputed that the window serves a habitable room and the structure would have a significantly overbearing impact when viewed from that window due to its proximity and scale. Similarly, the gable wall of the garage would face towards No.41-43 Cromwell Street in close proximity to rear facing windows in the single storey extension. Given the scale of the garage and the limited separation distance the development would appear overbearing to the occupiers using that room.

11. Therefore, the scale and siting of the proposed garage would cause harm to the living conditions of the occupiers of No.54, No.56 and No.58 Cobden Street as well as the occupiers of No.41-43 Cromwell Street. Consequently, the proposal would be contrary to Policy DE1 of the LP insofar as it requires development to respond to the physical context of the site.

Highway Safety

12. Peel Street is a cul-de-sac and because of this it is very lightly trafficked, although the road does allow pedestrians to access Cobden Street and the wider estate. The proposed garage would be built up against the roadside and drivers exiting the garage would have limited views of pedestrians on the same side of the road when inside of the garage. Nevertheless, because vehicles would need to turn immediately once leaving the garage, the vehicles would exit the garage at very slow speeds which would ensure both the vehicular user and pedestrians would have ample time to assess the situation as it develops. Given the limited number of vehicles that would use the garage, combined with the limited number of pedestrians that would pass the site, the proposal would not have an unacceptable impact on highway safety.

13. Whilst the dropped kerbs would be smaller than the standard dropped kerb for a footway crossing I am satisfied that a car could drive over with care without undue danger to highway safety or likelihood of damage to the highway, particularly as drivers would not face any oncoming traffic such that they could manoeuvre carefully into the garages. The proposal would provide 2 off road parking spaces and that would represent a small benefit given that parking appears to be in high demand.

14. Therefore, the proposal would be in accordance with Policy AC2 of the LP which requires development to ensure they do not cause unacceptable levels of traffic, congestion, highway safety problems and poor air quality. The proposal would also be in accordance with the relevant sections of the Framework.

Other Matters

15. Whilst reference has been made to other structures elsewhere, little information is provided regarding the planning history of those developments and it appears that many of the buildings are of a historic nature. From the images provided I am not satisfied that the circumstances are directly comparable in terms of the precise layout of the appeal site and the relationship with neighbouring properties. Consequently, reference to other development elsewhere has not altered my view on the proposal before me.

16. The appellant was disappointed with the Council's behaviour during application process. However, much of that appears to relate to a different scheme involving two flats. The Council did provide pre-application advice in relation to the present scheme and there is nothing to indicate that it behaved unreasonably in determining the proposal or requiring a fee for the application.

Conclusion and Recommendation

17. Consequently, whilst the proposal would not have an unacceptable impact on highway safety and would provide two off street parking spaces, this would not outweigh the significant harm the proposal would cause to the character and appearance of the area and the living conditions of the neighbouring occupiers.

Therefore, for the reasons given above and having had regard of all other matters raised, I recommend that the appeal should be dismissed.

G Sibley

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR