

Appeal Decision

Site Visit made on 9 November 2021 by G Sibley MPLAN MRTPI

Decision by H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2021

Appeal Ref: APP/U4610/D/21/3279396

72 Highley Drive, Coventry CV6 3LR

- 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 Alan Rainsforth against the decision of Coventry City Council.
 - The application Ref HH/2019/2013, dated 22 July 2019, was refused by notice dated 30 April 2021.
 - The development proposed is out building. A garage more than 2m from dwelling, single store less than 2.5m of non-combustible materials with no utilities, for car use only.
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Decision

1. The appeal is allowed and planning permission is granted for out building. A garage more than 2m from dwelling, single store less than 2.5m of non-combustible materials with no utilities, for car use only at 72 Highley Drive, Coventry, CV6 3LR, in accordance with the terms of the application, Ref HH/2019/2013, dated 22 July 2019, and subject to the condition below:
 1. The garage hereby permitted shall be used for the parking of vehicles and associated domestic storage in connection with the host dwelling, No 72 Highley Drive, and for no other purpose.

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.

Preliminary Matters

3. The garage has already been constructed and the planning application and appeal have been made retrospectively.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments received have been addressed in this decision.

Main Issues

5. The main issues are:
 - The effect of the garage on the character and appearance of the area;
 - The effect of the garage on the living conditions of local residents with particular regard to the fear of crime; and
 - The effect of the garage on highway safety.

Reasons for the Recommendation

Character and appearance

6. The garage has been constructed within a shared rear parking court with the parking spaces allocated to an associated dwelling. The garage is located centrally within the court with areas of landscaping either side and the garage is separated from the surrounding parking spaces.
7. Within the wider estate there are several rear parking courts, and it was observed that a number of these parking courts had individual garages. Where the garages had been built, they were typically separated from the wider parking court due to the layout of the courts.
8. Whilst the garage has been constructed from concrete with a brick look finish that is slightly darker in colour than the surrounding houses, there are slight variations in the colour of bricks that are used locally, and the colour of the brick finish does not appear discordant within the wider estate. The use of pebble dash on the rear of the garage does appear out of context within the wider estate, nevertheless, given the garages close proximity to the boundary wall, the rear wall of the garage is not particularly visible from further afield. Moreover, given the height of the wall to the rear, only the white soffit boards are visible over the wall and because white soffit boards are a commonly used material in the wider estate, the view of this material above the wall does not appear out of context when viewed from the bowls club to the rear. Furthermore, the pitched roof and the colour of the tiles are similar to the surrounding development. Given the design and limited scale of the garage, it appears subservient in both scale and appearance to the surrounding development.
9. Given that there are no car parking spaces located either side or to the rear of the garage, where it has been built close to the boundary wall, the garage does not hinder views across the parking court which retains its open appearance. Additionally, because the garage is located within a rear parking court, the garage is well hidden from public viewpoints and is generally only visible when entering the parking court.
10. Consequently, the garage does not cause harm to the character and appearance of the area and complies with Policy DE1 of the Coventry City Council Local Plan (LP) (adopted 2017) which expects development to respect and enhance their surroundings and positively contribute towards the local identity and character of an area. Additionally, the proposal accords with paragraph 130 of the Framework insofar as it states that development should function well and add to the overall quality of the area as well as being visually attractive and sympathetic to local character and history.

Fear of crime

11. By virtue of the garage being built up against the boundary wall it does not block views of the surrounding car parking spaces and allows for the clear surveillance of the parking court from within the court itself. Additionally, because the parking court is bound by houses and the garage is located against the rear boundary wall, the garage does not hinder the passive surveillance of the car park by the occupiers of the surrounding dwellings. As a result, regardless of whether the car park is under used, the site would continue to be

overlooked by the surrounding houses which is a deterrent to crime. Furthermore, garages within parking courts are not uncommon in the wider area and there is no substantive evidence that the garages have been a focus of criminal activity in the area.

12. Therefore, the garage does not cause a fear of crime and does not harm local residents' living conditions. Consequently, the garage complies with LP Policy DE1 which states that development will be expected to provide attractive, safe, uncluttered, active and easily identifiable, high quality public spaces. Furthermore, the proposal does not conflict with paragraph 130 f) of the Framework insofar as it expects developments to create places that are safe, inclusive and accessible and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Highway safety

13. The dimensions for each of the two bays that the garage is split into are below the recommended size for a car parking space, as set out in Appendix 5 of the LP. Despite this, the Highways Authority noted that, in this instance, this would be not be a reason to object to the proposal. Moreover, the appellant has provided photographic evidence that a Ford Fiesta can fit within one of the bays. Notwithstanding this, the appellant has provided photographic evidence that two cars could be parked on the driveway in front of the dwelling. Based on the information before me, the driveway was a later addition and the car parking requirement for the dwelling was two off street parking spaces which were provided in the parking court. Given that two cars could park on the driveway, the parking needs of the occupiers of the dwelling could be met without using the garage.
14. Furthermore, there were no parking restrictions on the roads near to the site and there were spaces within a short walking distance from the dwelling to park cars if necessary. Besides, no substantive evidence has been provided which identified that additional on street parking from the occupiers of this dwelling would have an unacceptable impact on highway safety.
15. Subsequently, the garage does not cause highway safety concerns and complies with, in particular, LP Policy AC2, which seeks to mitigate and manage any anticipated negative impacts on the capacity and/or safety of the highway network. Moreover, the development complies with paragraph 111 of the Framework which states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety.
16. Whilst the Council's decision notice cites Policies DE1 and HE5, these are less relevant to the specific matter of highway safety.

Other Matters

17. Whilst I note the Council's concerns that the garage would set a precedent locally, there are already several garages within parking courts across the estate. Further to this, in this instance, as well as the other garages that have been built, they have typically been located within distinct sections of the parking courts separated from other parking spaces. As a result, the matters in support of this appeal are unique to this site.
18. An objection noted that building materials were left after the garage was built and the area around the garage was left in an untidy appearance. Whilst this

may have been the case, at the site visit the area around the garage was clean and free of any building materials and the surrounding landscaping was in good condition.

Conditions

19. The development has already been completed and as a result, the only condition necessary is one to stipulate that the garage shall be used for the parking of vehicles and domestic storage associated with the host dwelling and for no other purpose.

Conclusion and Recommendation

20. There are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan. Therefore, for the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

G Sibley

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, I agree and shall allow the appeal.

Hollie Nicholls

INSPECTOR