



Appeal Decision

Site visit made on 15 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/U4610/W/21/3281571

19 Elderberry Way, Coventry CV2 3PJ

- 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 Sean Murphy against the decision of Coventry City Council.
 - The application Ref FUL/2021/0717, dated 29 April 2021, was refused by notice dated 24 June 2021.
 - The development proposed is a new 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application

Main Issues

3. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area; and
 - The effect of the proposed development upon the safe and efficient operation of the local highway network.

Reasons

Character and appearance

4. The appeal site is an overgrown parcel of land located at the head of cul de sac Elderberry Way. The site abuts dwellings in Elderberry Way on two sides and runs along the rear fence line of properties fronting Sewall Highway. Properties in the cul de sac are similar in terms of design, set back from the highway with green frontages and driveways. Dwellings in the area face onto the road contributing to the street scene. The proposed vehicle access into the site would be taken from Flowerdale Drive via an existing track that serves a number of garages.

5. The proposed development would be orientated so that the front of the house would face the access serving garages and its rear would face towards Elderberry Way. Whilst the proposal seeks to replicate the design of properties in Elderberry Way it essentially turns its back on the cul de sac with no physical connection to it.
6. Its position and orientation would be at odds with the established pattern of development in the area resulting in an awkward spatial relationship with neighbouring properties. This spatial relationship and lack of physical connection to Elderberry Way would result in a development that would not successfully integrate into the surrounding built form or positively contribute to the Elderberry Way street scene.
7. Notwithstanding the architectural detailing and landscaping proposed the incongruous nature of the development would be very apparent from the surrounding area and would not overcome the harm that I have identified.
8. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policy DE1 of the Coventry Local Plan (LP) (2017) which, amongst other things, requires development proposals to respect and enhance their surroundings and to positively contribute towards local identity and character. It would be contrary to the National Planning Policy Framework (the Framework) which, amongst other things, requires developments to function well and add to the overall quality of the area and be sympathetic to local character including the surrounding built environment.

Safe and efficient operation of the highway network

9. The track is narrow, allowing one way traffic along most of its length and is in a poor condition. The poor condition and uneven nature of the track would make it difficult for vehicles and pedestrians to travel along it making it unwelcoming and impractical. Furthermore, the track is shared by a number of properties and the width of the access would potentially lead to conflict between vehicles leading to them reversing along it and onto Flowerdale Drive, where visibility is restricted due to boundary treatments and parked cars. This would increase the likelihood for collisions with oncoming vehicles which would have an unacceptable impact upon highway safety.
10. Whilst the appellant has a right of access over the existing track, it is shared with a number of other properties. As such, having regard to the Planning Practice Guidance¹ I am not satisfied that works to improve and maintain the access could be secured by condition or that it would be reasonable or enforceable.
11. I acknowledge that the proposed development would provide sufficient off street parking but this would not outweigh the harm that I have identified in respect of this matter.
12. I conclude that the proposed development would not provide satisfactory access and would adversely affect the safe and efficient operation of the local highway network contrary to LP Policies DE1, AC3 and AC4 which, amongst other things, seek high quality design and safe and convenient access. It would also be contrary to Paragraph 111 of the Framework which states that development should be refused where there would be an unacceptable impact

¹ Paragraph: 009 Reference ID: 21a-009-20140306

on highway safety or the residual cumulative impact on the road network would be severe.

Other Matters

13. I acknowledge that the Framework encourages the efficient use of land, and the site is located within an accessible location close to services and facilities. However, in this instance it is not justification for a scheme that I have found to be harmful.
14. Whilst the Council's Urban Design and Highway Officers did not raise concerns to the application this does not alter my findings in respect of the main issues.
15. I appreciate that the appellant has attempted to overcome the concerns previously raised. However, the amendments would still result in a proposal that would be harmful to the character and appearance of the area and would adversely affect the safe and efficient operation of the highway network.

Conclusion

16. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR