
Appeal Decision

Site visit made on 22 March 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/U4610/W/21/3287230

11 Boswell Drive, Coventry CV2 2DL

- 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 Jayne Hosen against the decision of Coventry City Council.
 - The application Ref FUL/2021/2565, dated 15 July 2021, was refused by notice dated 19 October 2021.
 - The development proposed is erection of timber cabin, new fence and change of use from parking to private garden space (retrospective).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the timber cabin was in place, but the proposed fence had not been erected. As such, I am considering the development part retrospectively.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the area; on the availability of vehicle parking; and on the vitality and viability of nearby defined centres.

Reasons

Character and appearance

4. The appeal relates to a mid-terraced dwelling that faces northward onto Boswell Drive. The row of terraced dwellings, including no 11, are arranged such that they do not have drop kerb vehicular accesses off Boswell Drive. Access to the rear gardens of the terraced dwellings is provided via an area of tarmac off Feilding Close, and that area has historically been used for informal parking. The gardens to the rear of the terraced row are bounded by timber closed boarded fences and, other than to the larger corner plot of no 11a, are uniform in length. It is a layout and pattern of development that is repeated widely across the surrounding planned estate, giving the area a distinct character.
5. The enclosure and change of use of the land to the rear of no 11, and the siting of a timber cabin within that newly enclosed area, would harmfully disrupt the established pattern of development of the area. Furthermore, the proposal would result in a harmfully cramped and contrived alleyway layout to maintain

access to the rear of no 11a. This would reduce natural surveillance to the rear of the row of terraces and, therefore, I am not persuaded the fencing would discourage crime or anti-social behaviour. The proposal would, therefore, conflict with Policies DE1 and DS3 of the Coventry City Council Local Plan (adopted 2017) (LP), which taken together, amongst other things, require high quality design that respects its surroundings, with attention to detail in the layout of developments, and the improvement of wellbeing and quality of life.

Vehicle Parking

6. Whilst the shed would inevitably reduce the area available for parking, and the fencing would prevent informal parking to the rear of no 11, the overall effect on parking availability in the surrounding area would be very limited. At the time of my site visit, it appeared that there was substantial availability of uncontrolled on-street parking on Feilding Close. As such, any displaced vehicles from the informal parking area of the appeal site would be comfortably accommodated without detriment to highway safety, the free flow of traffic and to the amenities of the occupiers of adjacent dwellings. The proposal would not, in relation to this main issue, therefore, conflict with either LP Policies AC2 or AC3, or the Framework, which taken together, amongst other things, seek to prevent harm to highway safety and to ensure development does not have a severe residual cumulative impact on the road network.

Vitality and viability

7. The Council's first refusal reason objects, in the absence of a sequential assessment, to the increased use of the timber cabin as a nail salon and the consequent harm to the functioning of nearby defined centres. Whilst it is apparent from the appeal submissions that the shed has been used as a nail salon, and it is intended to continue to do so, the proposal does not include the change of use of the site to a nail salon. I can only assess the appeal based on the proposal as described, and that is for change of use to private garden space. As such, I do not find the proposal would introduce a main town centre use outside of any of the city's defined centres and it would not, therefore, harm the vitality and viability of nearby defined centres. The proposal would not, therefore, conflict with LP Policies R3 and R4, or with the Framework in relation to this main issue.

Conclusion

8. Whilst I have not found in favour of the Council with regards to the effect of the proposal on parking and defined centres, overall, the proposal would not be in accordance with the development plan when taken as a whole. There are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified harm to the character and appearance of the area and the subsequent conflict with the development plan.
9. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR