
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: 19 April 2022

Appeal Ref: APP/U4610/W/21/3284060

12 Halifax Close, Coventry CV5 9NZ

- 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 John Farrelly against the decision of Coventry City Council.
 - The application Ref FUL/2021/1787, dated 26 May 2021, was refused by notice dated 10 August 2021.
 - The development proposed is enclosing of open land to become private garden and erection of new detached garage and associated access and new fence.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description I have used above is taken from the appeal form and the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and appearance

4. The appeal relates to an area of landscaping located to the north of 12 Halifax Close, a semi-detached dwelling with a detached, flat roofed single garage located to the rear. The area of landscaping is particularly prominent given its location at the junctions of Cameron Close with The Windmill Hill and with Halifax Close. Whilst a hedge forms the boundary of the landscaped area with The Windmill Hill, it is open on its Cameron Close and Halifax Close boundaries. As such, there are clear public views across the landscaped area, and it contributes to an attractive and verdant entrance to both Cameron Close and Halifax Close. The wider residential area includes other substantial open landscaped areas, including along the eastern side of Halifax Close. These open landscaped areas, with their mature trees, gives the area a verdant and spacious character. The openness and attractive landscaping of the appeal site, therefore, contributes positively to the wider area's character and appearance.

5. The enclosing behind a fence of a significant proportion of the open landscaped area to the north of no 12 would appear out of keeping with the open and verdant character of the surrounding area. The fence would prevent public views across the open landscaped area, and in combination with the encroachment of the proposed double garage, would result in a more a built-up and defensive street scene that is out of kilter with the area's sense of spaciousness. The proposed demolition of the existing single garage would not mitigate the identified harm given its smaller scale and closer proximity to other built form.
6. The development would, therefore, be harmful to the character and appearance of the area contrary to Policy DE1 of the Coventry City Council Local Plan (adopted 2017) (LP) which, amongst other things, requires that development respects and enhances its surroundings, positively contributing towards the local identity and character of an area. Moreover, the development would be inconsistent with paragraph 130 of the National Planning Policy Framework (the Framework) as it would not add to the overall quality of the area and would not be sympathetic to the local character.
7. The Council's first refusal reason also refers to conflict with LP Policies GE2 (Green Space) and GE4 (Tree Protection). The appellant advises, however, that no trees would be removed and that there is no legal right of public access to the landscaped area. I have no substantive evidence that would lead me to disagree with the appellant in these regards. As such, I do not find conflict with LP Policies GE2 and GE4.

Highways Safety

8. The appellant's revised proposed plan¹ shows a repositioned garage. I have considered the revised drawing under the principles established by the Courts in *Wheatcroft*². I am satisfied that the revised plan does not change the development to such a degree that it would deprive those who should have been consulted on the change the opportunity of such consultation. Accordingly, I have considered the appeal based on the revised drawing.
9. The revised position of the garage would accord with the Highway Authority's requirement that the garage should be set back at least 4.8m from the highway and orientated at 90 degrees to Halifax Close. Furthermore, whilst the proposed dropped kerb entrance to the double garage would be located relatively close to the junction of Halifax Close with Cameron Close, vehicle speeds would likely be low given the dead-end nature of Halifax Close. As such, and subject to relevant conditions ensuring visibility splays remain clear, the proposal would not be detrimental to highway safety. Furthermore, there is no substantive evidence before me to indicate that the proposal would result in additional trips on the local transport network.
10. The proposal would not, in these regards, therefore, conflict with either LP Policies AC1 or AC2, 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.

¹ Dwg no P/HALIFAX_CLOSE-02-B (Dated 19.08.21)

² *Bernard Wheatcroft Ltd v SSE* [JPL, 1982, P37]

Other Matters

11. I appreciate that the appellant currently maintains the landscaped area and its partial enclosure would provide additional privacy. I am not, however, persuaded that these considerations justify the development or outweigh the harm that I have identified with regards to the character and appearance of the surrounding area.

Conclusion

12. 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 conflict with the development plan.
13. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR