



Appeal Decision

Site visit made on 3 May 2022

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday 31 May 2022

Appeal Ref: APP/U4610/W/21/3287518

22 Woodshires Road, Coventry CV6 6AA

- 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 Vimdal Realty Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2021/2264, dated 13 July 2021, was refused by notice dated 20 October 2021.
 - The development proposed is described as "erection of 2 semi-detached dwellings on land adjacent to 22 Woodshires Road."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - Highway and pedestrian safety.
 - The character and appearance of the surrounding area.
 - Living conditions of neighbouring occupiers, with respect to overshadowing and loss of outlook.

Reasons

Highway and Pedestrian Safety

3. The appeal site is a parcel of land adjacent to the existing dwelling at 22 Woodshires Road (No 22). The existing dwelling is a semi-detached property located within an established residential area. There are some existing outbuildings on site, including a garage unit positioned adjacent to the boundary of 20 Woodshires Road (No 20).
4. The site is near to a road junction with Glenmore Drive and is opposite a bus stop. This leads to pedestrian and vehicle movements in an around the locality.
5. The submitted evidence has not demonstrated that the proposed access arrangements can accommodate the adequate pedestrian visibility lines for vehicles exiting the site, and that pedestrian visibility can be achieved. This is because the positioning of the proposed visibility splay extends over third-party land at No 20, and therefore would not provide adequate visibility from within the site boundary. As such, the proposal's access arrangements would pose an unacceptable risk to the safety of highway users.

6. In addition, the proposed boundary treatment to the side of No 20 would restrict visibility from the driveway to approaching pedestrians, as the visibility splay would extend across third party land beyond the boundary treatment. The proposed access arrangements would encourage users to reverse in or out of the appeal site. Those drivers would have limited visibility and there would not be adequate time to react to oncoming pedestrians or other highway users passing-by. This would lead to an increased risk of pedestrian and vehicle collisions in the area, to the detriment of highway safety.
7. Although there is an existing driveway serving the garage unit on the appeal site, the proposal would introduce forecourt parking areas for 3 vehicles on its roadside frontage and a shared single-track access to a rear parking area. This increase in vehicular access points onto the highway would represent a significant change from the current access arrangement.
8. A condition would not be reasonable as any mitigation measures found necessary to remove adverse effects on highway safety could lead to a substantial re-design of the development.
9. Consequently, the proposal would result in an unacceptable impact on highway and pedestrian safety. As such, the proposal conflicts with Policy AC2 of the Coventry City Council Local Plan (2017) (Local Plan), which, amongst other things, seeks to ensure proposals do not have a negative impact on highway safety for all users. In addition, the proposal would also fail to accord with paragraph 111 of the National Planning Policy Framework, which states that development should be refused on highway grounds if there would be an unacceptable impact on highway safety.

Character and Appearance

10. The surrounding area consists of a mix of two-storey detached, semi-detached and terraced dwellings of varying design from different development periods. There is some irregularity in the building lines, with some properties fronting Woodshires Road and others set further back. The dwellings in the immediate street-scene are mainly of gable ended design with notable front gable features, making a positive contribution to the character of the area.
11. The proposed development would directly abut the dwelling at No 20, which forms a semi-detached property with No 18. As there would be no noticeable separation distance between the proposal and the neighbouring semi-detached properties, the proposal would appear as a row of connected dwellings, creating a terracing effect. This would be of visual detriment to the street-scene thereby causing unacceptable harm to the character and appearance of the area.
12. Furthermore, the proposed dwellings would be narrower in width than the neighbouring dwellings. The proposed front facing feature bay with gables would appear slimmer than the front gable of No 20 and would not be typical of dwellings in the immediate area.
13. Although there is a slight slope in ground level, the ridge height of the proposed dwellings would not be consistent with each other or the neighbouring dwellings and would not transition well between the existing properties. The height of the proposal's eaves and its larger roof proportion would also be at odds with No 20 and 18, which have higher eave heights.

Combined with the terracing effect described above, the proposal would appear as an incongruous feature within the street-scene.

14. Whilst the surrounding area represents a sustainable location for residential development, the proposal would nonetheless be unacceptably harmful to the surrounding character and appearance of the area.
15. For the reasons given above, the proposal would fail to accord with Policy DE1 of the Local Plan (2017), which seeks to ensure new development respects and enhances its surroundings and positively contributes towards the local identity and character of an area. It would also fail to accord with the design objectives of the National Planning Policy Framework.

Living Conditions of Neighbouring Occupiers

16. The proposed development would extend significantly beyond the existing rear elevation of No 22 at ground and first floor levels. The proposal would be set back from the boundary with No 22 by around 2.45m. Therefore, the siting, height and bulk would result in a significant mass of built form in close proximity to No 22. Consequently, it would appear as an enclosing, overbearing feature when viewed from the windows and rear garden of No 22. The loss of outlook would impact negatively on the occupant's living conditions. In addition, light into the rear garden of No 22 would be reduced due to overshadowing from the built form of the proposed development. The harm caused by the loss of outlook and overshadowing would be unacceptable to the occupants living conditions of No 22.
17. Although No 22 includes a rear flat roof extension at ground floor level, this would not mask the views of the proposal from the first-floor windows or views from the rear garden. Also, the extension itself includes windows which would experience a loss of outlook and light intake because of the proposed development.
18. The appellant states that No 22's nearest rear-facing habitable room window at first-floor level is set over 5m away from the shared boundary with a northerly aspect. However, the outlook would be significantly changed to what is experienced now by the occupant.
19. For the reasons above, the proposal would fail to accord with Policy DE1 of the Local Plan (2017), which, amongst other things, seeks to ensure high quality design and attention to detail in the layout of developments, in terms of function and impact.
20. In addition, the proposal would fail to accord with the National Planning Policy Framework (para 130) where it seeks a high standard of amenity for existing and future users.
21. The Council refer to a '45 degree line' in their reasons for refusal. However, there is no mention of this sightline in Policy DE1 of the Local Plan (2017). As such, I do not consider it to be relevant to the main issues.

Other Matters

22. A historic planning application (21146) granted permission for a 'pair of maisonettes' on part of the garden of No 22 in 1965. However, this lapsed permission pre-dates the currently adopted Local Plan and national planning

- policy. In any event, I have determined this appeal on its own merits having regard to the site-specific characteristics and the development plan at the time.
23. Although the proposal is located within an established residential area and in a sustainable location accessible to a range of services and facilities, this benefit does not outweigh the harm identified.
24. The proposal would contribute to the local housing supply; however, this small benefit does not outweigh the harm that has been identified.
25. The proposal would make effective use of a brownfield site in an accessible location. However, this does not negate the conflict that has been identified with the development plan.
26. The appellant refers to permitted development rights having been removed for new fences and means of enclosure to the frontage of No 20. However, this would be on third party land not in the control of the appellant.

Conclusion

27. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR