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# Appeal Decision

Site visit made on 16 August 2022

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31 August 2022**

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**Appeal Ref: APP/U4610/W/22/3294812**

**12 Cannon Hill Road, Coventry CV4 7AZ**

- 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 Karl Hall against the decision of Coventry City Council.
  - The application Ref FUL/2021/3645, dated 10 December 2021, was refused by notice dated 11 February 2022.
  - The development proposed is the change of use from park use/open space to enlarge the private garden/curtilage of 12 Cannon Hill Road.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue relevant to this appeal is the effect of the development upon the character and appearance of the surrounding area.

## Reasons

3. The appeal site consists of a residential dwelling, with a garden, located adjacent to a large area of public open space. This gives the area a more open and suburban character that is commensurate with the appeal site's location on the periphery of the settlement. The adjoining area of public open space is allocated as a Local Green Space, which is not synonymous with the Green Belt.
4. The proposed development would extend the garden of the appellant's property into the neighbouring area of open space. This would create a physical barrier that would erode the sense of openness and less developed appearance of the open space. In result, this would render the proposed development incongruous.
5. The open space features a significant amount of landscaping adjacent to the appeal site. This contributes to a generally open and verdant character that is free from development. As part of this character, the depth of planting is clearly perceptible.
6. Whilst the proposed development would result in the retention of some planting, it would be significantly reduced in depth. This means that the development would result in an erosion of the open and verdant character of the neighbouring space due to the diminished level of planting, which would be readily perceptible.

7. This would be exacerbated by the topography of the surrounding area. In particular, views of the development would be visible from a significant distance away. Therefore, due to these reasons combined, the proposed development would also be strident.
8. The new boundary treatments would be predominantly screened by planting. However, some of this planting would fall outside of the control of the appellant owing to its location away from the appeal site. Therefore, there is a likelihood that, in time, some of this planting may be removed, or be the subject of ill health. Should this scenario occur, the proposed development would become more prominent and lead to a further erosion of the vicinity's open character as a result of the more developed appearance of the appeal site.
9. These factors mean that the proposed development could become more prominent over time and that the previously described adverse effects would occur. Therefore, the potential prevalence of landscaping near to the proposed development would not overcome my previous concerns.
10. I acknowledge that the proposed development would provide improved living conditions for the future occupiers of the appellant's dwelling. Whilst this is a matter of note, it is only one of all the matters that must be assessed. It therefore does not overcome my previous concerns.
11. It has been suggested that if the proposed development were not to proceed, some of the existing trees could be removed owing to a lack of restrictions. However, there appears to be no evidence before me that suggests that this task is likely to be undertaken by the relevant landowner. Furthermore, even if it were to take place the boundary fence would still be sited further back in its current position. It would therefore be less prominent. In consequence, this suggestion does not allow me to disregard my previous findings.
12. The appeal proposal would not include any outbuildings. However, this would not overcome my concerns regarding the erosion of the more open character of the green space.
13. The proposed development would not result in a notable reduction in the amount of space available for use for recreational purposes. Whilst this is a matter of note, the space would be reduced in size. Therefore, this matter does not overcome the harm that would arise to the character and appearance of this space.
14. My attention has been drawn to Policy GB1 of the Coventry Local Plan (2016) (the Local Plan). Amongst other matters, this indicates that in Local Green Space, the erection of small buildings and structures which are ancillary to the primary use of the land may be acceptable. Whilst the proposed development would serve as boundary treatment to the open space, the policy is clear that not all development that meets this objective would be acceptable.
15. The supporting text to the policy is clear that one of the reasons for such a designation is to contribute to the overall quality of life and that new developments should not impact on the initial purpose of including land within the designation. Owing to the erosion of the area's character, this objective would be breached.
16. I therefore conclude that the proposed development would have an adverse effect upon the character and appearance of the surrounding area. The

proposed development would therefore conflict with Policies DE1, GB1, GE1 and GE2 of the Local Plan. Amongst other matters, these seek to ensure that developments respond to the physical context of the site; do not result in the loss of green space; and make provision for green infrastructure.

### **Other Matters**

17. The proposed development is unlikely to lead to an adverse effect upon ecology and biodiversity. Whilst these are matters of note, they are some of the issues that must be considered when assessing a proposed development. In consequence, they do not overcome or mitigate my findings in respect of the main issue.
18. I note that the proposed development was devised to overcome the refusal of previous applications. Whilst a matter of note, I have been directed towards adopted development plan policies. These would be breached by the proposed development and from this, harm would emanate. I therefore do not find that this overcomes my previous findings.

### **Conclusion**

19. The development would have an adverse effect upon the character and appearance of the surrounding area. The proposed development therefore conflicts with the development plan taken as a whole. There are no material considerations, including the National Planning Policy Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

*Benjamin Clarke*

INSPECTOR