



Appeal Decision

Site visit made on 20 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/U4610/W/22/3299161

Land On The Corner Of Pridmore Road And Lockhurst Lane, Coventry CV6 5PE

- 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 G Ubhi (Lockhurst Estate Ltd) against the decision of Coventry City Council.
 - The application Ref FUL/2021/2099, dated 29 June 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as "resubmission of application FUL/2020/2439 for a new residential development comprising of 6 no. 1 bedroom apartments and 1 no. 2 bedroom apartments with associated car parking."
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Decision

1. The appeal is allowed and planning permission is granted for a new residential development comprising of 6 no 1 bedroom apartments and 1 no 2 bedroom apartments with associated car parking at land on the corner of Pridmore Road and Lockhurst Lane, Coventry CV6 5PE in accordance with the terms of the application, Ref FUL/2021/2099, dated 29 June 2021, subject to the conditions in the schedule at the end of this decision.

Application for costs

2. An application for costs has been made by Mr G Ubhi (Lockhurst Estate Ltd) against Coventry City Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description in the header above is taken from the application form. In my decision I have omitted reference to the application being a resubmission as this does not describe the development and so is superfluous.
4. The Council's refusal reasons refer to the Coventry Local Plan 2016 (the LP). However, the information provided indicates the LP was adopted in 2017. For clarity, I confirm my assessment is based upon the policies provided by the Council with its appeal questionnaire.

Main Issue

5. The main issue is whether the proposed development would provide satisfactory living conditions for occupiers in terms of garden space and air quality.

Reasons

Garden space

6. LP policy H3 states that new development should provide a high quality residential environment with adequate amenity space. This is consistent with the National Planning Policy Framework (the Framework) which looks to ensure development has a high standard of amenity for future users.
7. No advice is provided in the LP as to the required amount or quality of private garden that would be deemed adequate. The Council's Design Guidance for New Residential Development 1991 (DG) states that 1 to 2 person dwellings should have a minimum garden size of 30m². However, it is unclear whether this standard is applicable to apartments as it is not referred to by the Council in its refusal reasons or in support of its objections. As such, I consider the DG should not be determinative on this issue.
8. Most of the outdoor element of the proposal would be parking or vehicle turning space. However, the appeal drawings show a reasonably sized open strip of land between the proposed building and Lockhurst Lane and the adjoining Stag and Pheasant pub car park. This space could be used as a communal sitting out area for future residents, particularly the enclosed paved area towards the north east corner of the site. A dwarf wall with railings and planting behind would be on the highway boundary and would provide a reasonable degree of privacy and seclusion to this area.
9. The outside space would be shared between the residents of the apartments and so there would be no private area for each household. However, this is a common situation for blocks of flats and there is no policy before me that specifically requires apartments to be provided with their own garden areas.
10. The proposed development would not provide adequate space for play. However, most of the apartments would have a single bedroom and so it is unlikely they would be occupied by families with children. Also, the site is within a reasonable walking distance from Webster's Park, which would provide residents with a nearby recreation area, albeit a public and not a private space.
11. For these reasons, I conclude the development would provide residents with satisfactory living conditions in terms of garden area. In these respects, it would accord with LP policies H3 and DE1. Amongst other things, these seek high quality design with adequate amenity space.

Air quality

12. The appeal site lies in an air quality management area, which has been declared due to exceedances of the annual mean air quality objective (AQO) for nitrogen dioxide. The appellants have provided an air quality assessment and follow-up letter that describes an exposure study to evaluate pollutant levels on the site. These conclude that the concentration levels across the entire plot would be well below the AQO when modelled at 1.5m above the ground. As the proposal includes accommodation at just first floor level and above, the assessment finds that the air quality on the site is suitable for the proposed residential use.
13. While noting the appellant's assessment, the Council officer's report states that, on taking a precautionary approach, there are still concerns over the air

quality that residents would experience. However, no detailed explanation for these concerns has been provided other than the site is next to a busy road. No case is made that the findings of the appellant's air quality assessment are invalid and so the evidence overall suggests the AQO would not be exceeded at the site. I am referred to no planning policy that requires development to be designed so as to minimise the effect of air pollution on residents.

14. In such circumstances, I conclude that the proposal would provide satisfactory living conditions for occupiers in terms of air quality. In these regards, it would accord with LP policies H3 and EM7. Amongst other things, these look to ensure air quality assessments are provided that demonstrate residents of new dwellings are safe from air pollution.

Other Matters

15. Other concerns have been raised by interested parties. The windows in the proposed building would be positioned and orientated so as to avoid any significant overlooking onto neighbouring properties, particularly given the screening effect of boundary treatment which could be secured by planning condition. The development would be seen from nearby properties but it would not be so high or near to cause unacceptable overshadowing or loss of outlook.
16. In arriving at this view, I have had regard to the side extension that has been permitted but not yet constructed at the Stag and Pheasant pub. Concern is expressed that the proposed development would contravene DG requirements in terms of its proximity to this extension. However, the DG provides only guidance and so it is not determinative on the matter.
17. The information submitted suggests the proposal would mainly affect light access and outlook from first floor side facing bedroom windows in the pub's extension. The bedrooms would also be served by windows to the front and rear and so they would retain a reasonable level of access to light. Also, the proposed building would have a hipped roof at the nearest point to the pub so as to avoid a significant overbearing effect. Given these circumstances, I consider the proposal would avoid significant harm to the living conditions within the permitted extension.
18. The development would be higher than the adjoining properties but the surrounding area includes taller buildings. As such, it would not appear out of character. The site as it stands is vacant of buildings but it makes no meaningful contribution to the visual qualities of the area. The loss of openness as a result of the proposal would not be harmful.
19. The scheme would include sufficient parking and space for refuse storage and collection. The modest traffic movements likely to be generated by the development would be safely accommodated on nearby roads and would not prejudice highway safety. A planning condition could be imposed to ensure the provision of parking for construction vehicles and to prevent unacceptable construction disturbance. A satisfactory drainage system to serve the development could be provided. As there is no justification to refuse permission on any of the above grounds, these factors fail to affect my overall conclusion.

Conditions

20. The Council has provided a list of suggested conditions. Where appropriate I have amended the wording for reasons of precision.

21. For clarity, I have included a condition that requires the development to be carried out in accordance with the approved plans. To avoid undue disturbance and harm to highway safety, I attach a condition regarding a construction management plan. A ground contamination condition is imposed to safeguard health and the environment.
22. A condition regarding external materials is included to ensure a satisfactory appearance. For the same reason and to ensure the development provides acceptable living conditions, a landscape works condition is required. A condition regarding parking is needed in the interests of highway safety. Conditions on cycle storage, external amenity space and sound reduction glazing are necessary to ensure the development would provide suitable facilities and an appropriate living environment.

Conclusion

23. The proposal would be acceptable in terms of the main issues and it would accord with the development plan when read as a whole. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 19.3663.GA.102 revision A, 19.3663.GA.103 revision A and 19.3663.GA.104 revision A.
- 3) No development hereby permitted (including any demolition) shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The CMP shall include details of:
 - hours of construction work;
 - hours of deliveries associated with construction works on the site;
 - the parking of vehicles of site operatives and visitors during the demolition/construction phase;
 - the delivery access point;
 - the loading and unloading of plant and materials;
 - anticipated size and frequency of vehicles moving to/from the site;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;

- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the site does not carry mud or deposit other materials onto the public highway;
- measures to control the emission of dust and dirt during demolition and construction;
- measures to control the presence of asbestos;
- measures to minimise noise disturbance to neighbouring properties during demolition and construction;
- details of any piling together with details of how any associated vibration will be monitored and controlled; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

The details within the approved CMP shall be strictly adhered to throughout the construction period of the development hereby permitted.

- 4) In the event that contamination or unusual ground conditions are encountered during the development it must be reported in writing immediately to the local planning authority. An investigation and risk assessment shall be undertaken, and where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the local planning authority before any further construction works are carried out. Following completion of the measures within the approved remediation scheme and prior to the first occupation of any of the apartments hereby permitted, a verification report shall be submitted to and approved in writing by the local planning authority.
- 5) Prior to their incorporation into the development hereby permitted, details of the external facing materials, roofing and fenestration shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.
- 6) Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of any proposed boundary walls, railings and gates to be erected, specifying the type of bricks and colour of the railings and gates; footpaths; and hard surfacing (which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area). The hard landscaping works shall be completed in strict accordance with the approved details within three months of the first occupation of the dwellings hereby permitted. All planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape -

Recommendations and BS4428 - Code of Practice for General Landscape Operations.

- 7) None of the dwellings hereby permitted shall be occupied unless and until the communal car parking spaces have been completed and marked out in full accordance with the approved drawings and made available for use by the occupants and/or visitors to the dwellings. Thereafter, those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.
- 8) None of the dwellings hereby permitted shall be occupied unless and until cycle parking facilities have been provided in full accordance with the approved drawings. Thereafter, those facilities shall remain available for use at all times and shall not be removed or altered in any way.
- 9) None of the dwellings hereby permitted shall be occupied unless and until the external amenity space has been laid out and provided in full accordance with the details shown on the approved plans. Thereafter, the amenity space shall remain available for use at all times.
- 10) The glazing installed on the building shall comply at all times with the minimum glazing sound reduction levels detailed in tables 12, 13, 14, 15 and 16 in section 6 of the submitted Noise impact Assessment Report dated 16th June 2021.