



Appeal Decision

Site visit made on 6 September 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/U4610/W/22/3297312

54d Earlsdon Street, Coventry CV5 6EJ

- 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 Ascot Property Developments Ltd (Mr R Ali) against the decision of Coventry City Council.
 - The application Ref FUL/2021/2692, dated 26 August 2021, was refused by notice dated 21 October 2021.
 - The development proposed is 3 storey building comprising of community cafe, gymnasium and fitness suite.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - The effect of the development on the living conditions of the occupants of adjacent property.
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on noise, odour/air quality and contamination.

Reasons

Living conditions

3. The appeal site is located behind 54 Earlsdon Street and is accessed by a passage between two commercial properties. The site is currently unused but there are remnants of building on site, which tallies with the evidence in front of me that a previous approval for a two-storey building was commenced but never completed.
4. The appeal seeks to erect a three-storey building, creating a café/community hub on the ground floor, gymnasium at first floor and a yoga/dance studio on the second floor.
5. The location of the proposal would bring a blank wall and section of roof to within 3m of the kitchen and less than 9m from the bedroom of the flat to 56d Earlsdon Street. At that distance, it would breach the 45-degree sightline referenced by the Council.

6. Evidence has been supplied to me that the flat has not been occupied in some considerable time and that apertures have been boarded over as a result. The appellant considers the flat to no longer function for a residential use, and the previous approval had been granted with the same issues in place.
7. In response, the Council have stated that on the original approval, 56 Earlsdon Street was assessed as being a shop unit with storage above, but a site visit for the current application showed that what was identified as the storage area is set out as a flat, with lounge, bedroom, kitchen and bathroom and a separate access from the commercial premises below.
8. This may not be occupied at present, but all the accoutrements are available for residential living, I must take into consideration that the residential use could re-ignite at any time, and the living conditions for any prospective resident would be severely compromised by the potential presence of a building located in close proximity to demonstrated living areas for residents of the flat.
9. In this instance, I cannot be convinced that residential use would not re-commence and, as such, I find conflict with policy DE1 of the Coventry Local Plan (2016) (the LP), which expects development, amongst other matters, to respond to the physical context of the site and clearly define boundaries for private space as well as the design and amenity guidance set out in the Extending Your Home Supplementary Planning Guidance.

Character and appearance

10. There is a characterful element to the surrounding properties, and although the area does not have Conservation Area status, I noted from my site visit that there are buildings of some considerable age and visual value interspersed within the street scene. The appellant has stated that the proposed building is two and a half storeys, but I find the roof design has been compromised in an attempt to keep the building lower and as a result, is harmful to the character and appearance of the area.
11. The mansard roof proposed is incongruous within the locality, which is predominately made up of gable design in terms of roofscape appearance. I find that the presence of such a roof design, on a building that, in terms of height, stands out amongst other surrounding buildings despite its location and looks ill-at-ease and compromised in terms of its design in an attempt to maximise the site constraints.
12. As such, I find that the proposal is contrary to policy DE1 of the LP which expect development, amongst other matters, to respond to its context, consider local distinctiveness and seek high quality design.

Noise / odour / contamination

13. With regard to the issues of noise / odour and contamination, the Council recommended refusal based on the lack of information provided.
14. The Appellant has now submitted a number of reports and additional information in support of the appeal. I do not have any response from the Council with regard to this documentation as the Council have relied on their original planning report and not issued a Statement of Case with regard to this appeal.

15. Based on the information submitted, I am satisfied that if the appeal were to be allowed, then there is no reason why these matters identified by the Council at application stage cannot be controlled by appropriate conditions.
16. As such, on this issue, I find no conflict with policy DE1 of the LP which, amongst other matters, expect development to address infrastructure in terms of function and impact.
17. Nonetheless, I find that addressing this issue is to be expected of good development and to be of neutral weight, and the harm I have identified on other issues outweighs this in terms of the effect of the development.

Other Matters

18. I have noted the appellants comments with regard to the redevelopment of a derelict site, the provision of construction employment and the community benefits as well as the previous approval setting out the policy position.
19. I find the benefits of the proposal to be of limited weight and are heavily outweighed by the harms to residential amenity and character and appearance that I have identified. The original approval was for a different building and was approved under a previous planning policy regime, and I must assess the current proposal upon its own merits.

Conclusion

20. The proposal conflicts with the development plan when taken as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

Paul Cooper

INSPECTOR