



Appeal Decision

Site visit made on 25 April 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2023

Appeal Ref: APP/U4610/W/22/3311371

2 Elphin Close, Coventry CV6 2NE

- 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 S Hughes (Diamond Construction) against the decision of Coventry City Council.
 - The application Ref FUL/2022/1182, dated 10 May 2022, was refused by notice dated 11 October 2022.
 - The development proposed is demolition of garage and erection of two storey house and ancillary parking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. An amended proposed site plan has been submitted with the appeal, after the determination of the planning application. This plan has not been subject to any formal public consultation and for this reason I have not had regard to it in reaching my decision as to do so could lead to unfairness. I have assessed the proposal on the basis of the plans considered by the Council.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of occupiers of 56 Watery Lane with particular regard to outlook; and
 - highway safety

Reasons

Character and appearance

4. Elphin Close is a cul-de-sac of similarly designed detached houses, which are sited in a non-linear arrangement following the contour of the road. Between the houses and road are driveways and gardens. Some of the houses in the same row as the appeal site have fully hard surfaced frontages. There are three houses at the turning head which are set back, and which have very little landscaping due to the limited space between these houses and the road. These houses differ in character from the rest of the row because they are set back and not prominent in the street. Elphin Close is a hill which has a steep

initial incline from Watery Lane and which levels off up to the end of the cul-de-sac.

5. Number 2 is located on the curve of Elphin Close and has a comparatively large front garden which is not typical of other houses in the Close and is prominent because of its size, location and elevation. This landscaping at the start of the cul-de-sac is important because it forms part of the character of the cul-de-sac when viewed from Watery Lane.
6. The proposed development would be sited where there is currently a double garage serving No 2, the plot of this house would be sub-divided to provide an additional house. The new plot boundary to No 2 would include a portion of the driveway of the proposed house being directly in front of it, to enable sufficient room for two car parking spaces for the proposed house.
7. The proposed house has a front gable design with white panelling, on the front elevation at first floor up to the eaves, similar to the existing houses. However, the proportions are a little different due to the width constraints of the appeal site resulting in a narrower and lower design, including windows being significantly narrower than those at existing houses in the same row. The proposed design includes a front facing door instead of a side facing one like the other houses. Notwithstanding that the height of the proposed house would be set down relative to No 2, together these differences would detract from the existing homogenous appearance of this row of detached houses.
8. The appellant suggest that the narrow path proposed to separate the proposed house from No 2, similar to those at other houses in the same row, would prevent any cramped appearance. However, the design differences, including the proposed narrow width, unusual parking layout, with one space partly being in front of No 2, the proximity of the development to the highway and the narrow window design would all collectively contribute to the proposed development having a cramped appearance. This would be amplified by the prominent position of the appeal site at the start of this row of detached houses, in an elevated location and visible from Watery Lane.
9. The loss of a large garden located on a prominent corner of the cul-de-sac would also be detrimental to the character of the area, because of its size and prominence when viewed from the entrance to the cul-de-sac from Watery Lane. The existing landscaping is important because it contributes to the character of this cul-de-sac of houses, although these houses do not have the expanse of landscaping seen at No 2, they do predominantly have gardens and landscaping to the front. The limited space available for landscaping after the proposed parking provision has been accommodated, including a replacement tree as proposed by the appellant, is insufficient and would not compensate for this significant loss of an important existing landscape feature.
10. As such the development would have a detrimental effect on the character and appearance of the area contrary to policies DE1 and H3 of the Coventry City Council Local Plan adopted December 2017 (LP), the relevant guidance contained within the City of Coventry design guidance for new residential development July 1991 (SPG) and relevant policies in the National Planning Policy Framework (the Framework). These policies and this guidance seek to, amongst other things, ensure that development respects and enhances its surroundings, and positively contributes towards the local identity and

character of an area, and that existing landscape features of importance are retained.

Living Conditions

11. The SPG requires a minimum distance between the back of a dwelling and the side of another, of 12 metres. The side elevation of the proposed house would be 12 metres away from the rear elevation of 56 Watery Lane with the rear garden of this neighbouring house in between. There is a rise in ground levels between No 56 and the proposed house which is described by the appellant to be approximately 800mm, which I observed at my site visit. Currently the top of the flat roof garage at the appeal site sits just above the height of the boundary fence between the two properties, however the development proposes a significant increase in height, with the proposed house being two storeys in height with a pitched roof.
12. The Council suggests that the 12 metre minimum separation distance requirement of the SPG, in this instance, should be increased due to the land level difference. I saw the proposed relationship at my site visit and as noted above, the land level difference is about 800m between the appeal site and the patio of No 56, meaning that a significant portion of the proposed two-storey side elevation would be visible from both the dwelling and garden at No 56. Consequently, the proposed gap of 12 metres would result in an overbearing impact due to the effect that the height and depth of the proposed house would have on the outlook from No 56. The existing established trees in the garden of No 56 which I saw at my site visit, would not provide sufficient coverage to fully screen the proposed development. Furthermore, paragraph 11.2.1 of the SPG clarifies that in addition to the minimum requirements, infill development should also take account of the amenity of immediate neighbours and the particular character of the area where the house is located.
13. The appellant has drawn my attention to the nearby housing estate currently under construction¹. From the evidence provided to me and from my observations on site, the plot layout and relationships between houses on that estate are different to the appeal site. Whether or not there might be instances on the new estate which fall below SPG guidance numerical standards, development is required, both by the SPG and the LP Policy DE1, to respond to the physical context of the site. LP Policy DE1 also requires that development has regard to opportunities to enhance the local built environment. The appeal site is part of an existing established character which is different to the neighbouring estate. Consequently, I have attached limited weight to this other example.
14. As such the development would be detrimental to the living conditions of occupiers of 56 Watery Lane with particular regard to outlook, so is contrary to policies DE1 and H3 of the LP and relevant guidance contained within the SPG. These policies and this guidance seek to, amongst other things, ensure that development respects and enhances its surroundings, that suitable residential environments include having adequate amenity space, and that infill development should also take account of the amenity of immediate neighbours.

¹ OUT/2019/2277 and RMM/2021/03

Highway Safety

15. The proposed development includes two car parking spaces to serve No 2 where the front garden currently lies, and another two to serve the proposed house, partly to the front of the proposed house and partly in front of No 2. At the corner of the existing drive is a lamp post which would prevent at least one car entering the proposed parking spaces without manoeuvring around it first.
16. The Council's highways officer states that the proposed extended dropped kerb would require not only the lamp post, but also an existing gulley to be moved and therefore sought amendments to the originally submitted plans.
17. I accept that manoeuvring around the lamp post could require using more of the pavement and would take longer than driving directly into the parking spaces. However, such a manoeuvre would not be undertaken quickly, and the lamppost is not a significant constraint. Moreover, the road is a quiet cul-de-sac of just a few houses with a footpath only on one side and visibility here is good. The appellant provides an example of another dropped kerb in the Close where a gulley has not been moved and were I allowing the appeal, measures to ensure suitable drainage of the site could be satisfactorily achieved through the imposition of a condition. Consequently, based on the evidence before me I consider it unlikely that the proposed development, even in the event that the lamppost and gulley were retained in situ would have an unacceptable effect on highway safety.
18. Therefore, it accords with Policy AC2 of the LP which, amongst other things, requires new developments to support and accommodate, where appropriate, measures which facilitate enhancements to the wider transport network.

Other Matters

19. I note the appellant's comments about the Officer support for the principle of development. However, whilst the provision of an additional dwelling would bring some modest social and economic benefits, these would not overcome the harm that I have identified above.
20. The complaints raised by the appellant about their communications with the Council are noted but are not a determining factor for the appeal.

Conclusion

21. Whilst I have found that the proposed development would be unlikely to have a harmful effect on highway safety, it would be harmful to the character and appearance of the area and to the living conditions of the occupiers of 56 Watery Lane with particular regard to outlook. For the reasons given above and having had regard to the development plan as a whole and all other matters, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR