



Appeal Decision

Site visit made on 13 June 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2023

Appeal Ref: APP/U4610/W/22/3310578

**Land at the corner of Jobs Lane and Jardine Crescent, Coventry,
West Midlands CV4 9EB**

- 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 Bal Purewal (Comitto Ltd) against the decision of Coventry City Council.
 - The application Ref FM/2022/0479, dated 10 February 2022, was refused by notice dated 19 May 2022.
 - The development proposed is 'Proposed new build flats (12No.) at the land at corner of Jobs Lane and Jardine Crescent'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a slight discrepancy between elevational drawing T2294 AL(P)06 A and the submitted floor plans. The former shows the front elevation slightly out of symmetry. For the purposes of my assessment of the appeal, I have given more weight to the consistently dimensioned and larger-scaled floor plans. These imply a symmetrical frontage would arise. I have proceeded on that basis.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the locality
 - the living conditions of the residents of 71 Jobs Lane, with particular regard to overlooking and loss of privacy, and prospective residents of the development in relation to on-site outdoor amenity space
 - highway safety and parking
 - local infrastructure.

Reasons

Character and appearance

4. The derelict site of a demolished public house is located on a prominent corner at the junction of Jardine Crescent with Jobs Lane. The locality is a predominantly residential area of mixed age housing and flatted developments with some modern retail and community buildings close by. Although there are clusters of similarly styled houses and apartment blocks, the overall character

of housing in the vicinity is mixed. On Jobs Lane, development is generally set behind landscaped gardens or domestic-scale parking forecourts, sometimes softened by roadside trees and verges.

5. In addition, on the western side of Jobs Lane, the area has a high degree of tree coverage providing a pleasant verdant aspect about the eastern end of Jardine Crescent. The site also benefits from a number of trees on its peripheries. Some on the northern and western boundaries are recognised for their amenity value and are protected under the City of Coventry (Jobs Lane No.8) Tree Preservation Order 2004.
6. The proposal would introduce a single building with a low-angled, mono-pitched standing-seam roof. It would provide accommodation across 3 floors. The building would be finished in red brick with contrasting blue brick bays and banding across the upper elevations. It would be set close to the Jardine Crescent frontage with a small, grassed area to the west. Car parking would lie to the north and east of the building with vehicular access provided via a widened driveway on Jobs Lane.
7. The primary elevation would front Jobs Lane and feature a number of different-sized openings framing a central entrance with a small canopy. Together with the contrasting columns of brickwork they would provide an element of visual interest to this aspect of the building.
8. However, viewed through the widened access, or across a proposed thin strip of boundary planting, the site's appearance would be dominated by hard surfacing. In conjunction with the large elevation, the significant expanses of the parking and vehicle manoeuvring areas would give rise to a harsh appearance. It would contrast starkly with the prevailing character of nearby development on Jobs Lane and would not be a positive contribution to that streetscape.
9. Moreover, despite some limited opportunity for boundary planting alongside Jardine Crescent, the combined effect of the height of the building, its monolithic block form, single-plane side elevation and the close siting to the roadside, it would appear as a dominant feature emphasised by the prominence of the corner plot.
10. It would present a largely blank block of high brick walling with minimal small-scale openings and little visual interest to the Jardine Crescent frontage. The lack of articulation to the elevation, high proportion of brickwork to windows, and close siting would not provide an active frontage. It would have little visual interest and appear as a somewhat bland addition to a highly visible section of the streetscene.
11. Whilst I note the appellant's design reference to the parade complex further along Jardine Crescent, and that the building's appearance would not necessarily appear incongruous amongst the mixed character of various designs of flatted developments in the locality, I find the overall design and layout would not be of sufficient quality to be a positive addition in its context.
12. I note the appellant's contention that the scheme would provide a visual improvement measured against the existing site's appearance. However, as the design of any redevelopment scheme is not fixed, and it is incumbent on the appellant to meet the requirements of the development plan in relation to

achieving high quality design, I find this is an argument of limited weight in the appeal.

13. The scheme proposes the retention of all protected trees but removal of others of poorer quality. The site currently retains surfacing associated with former parking areas and the foundation of the demolished building. The proposed parking areas would be largely over the areas previously covered. The appellant's arboricultural assessment indicates that, subject to appropriate protection and construction methods, the effect on the root protection areas of trees to be retained could be implemented without undue risk to their health and longevity.
14. In this regard, the Council's arboricultural advisor sought additional detailed information prior to the start of construction. Having regard to the circumstances on the ground, I consider that, subject to that requirement – which could be secured through planning condition/s, the protection of existing notable trees could be suitably achieved. This would preserve the contribution of the important trees to the character and appearance of the locality.
15. Whilst the proposal would meet the requirements in Policies DE1 and GE4 of the Coventry City Council Local Plan [2017] (the LP) as they seek to avoid the unacceptable loss of, or damage to, existing trees, it would conflict with Policies DE1 and H3 of the LP and the Coventry City Council Design Guidance for New Residential Development Supplementary Planning Document (the SPD) as they require new development to be of high-quality design that respects and enhances its surroundings and positively contributes to the character and appearance of the locality.

Living conditions

16. A neighbouring dormer bungalow at 71 Jobs Lane is sited in close proximity to the northern boundary of the site. Although the main outlooks from that dwelling are focussed across its forecourt and rear garden area, a side window faces on to the site at a short distance.
17. There is some dispute between the main parties as to the intervening distance between the neighbour's window and bedroom windows in the proposed northern elevation. The SPD provides a guideline of 20m between habitable room windows in 2-storey dwellings to avoid a material effect on privacy. For higher development, the guidance anticipates a greater distance, but is subject to individual case circumstances. It also accepts that in some window relationships the intervening distance could be reduced.
18. At the time of my site inspection, the common boundary had thick vegetation along much of its length. The deciduous trees were augmented by an understory of holly and other evergreen species.
19. Even when accounting for the height of the building, it seems to me that the retention and management of the existing boundary trees and bushes, and the potential to provide additional vegetation screening, would adequately mitigate any intervisibility between habitable room windows. This would avoid material harm to the neighbouring occupiers' living conditions and could be secured through planning condition/s.
20. In addition to planted landscaping, there would be communal lawned areas to facilitate sitting out and other domestic outdoor activities on the site. Although the Council reference 30sqm as the outdoor amenity space requirement for

2-bedroomed flats, it is unclear from where this standard has been imposed. Referenced Policy H3 does not contain specific standards; nor does the recently adopted SPD, which replaced the Design Guidance for New Residential Development 1991.

21. Although limited, the on-site provision would largely meet common residential needs for outdoor space. In conjunction with exercise opportunities within the nearby Limbrick Wood, there would be reasonable opportunities for outdoor activity and the promotion of healthy lifestyles.
22. I note the concerns of a third party in respect of potential overshadowing effects, however, given the distance to the nearest neighbouring residential properties, and overshadowing arising from the existing site vegetation, any overshadowing would be limited. It would not be so injurious to residents' living conditions to justify a refusal of planning permission.
23. For the above reasons, I find the proposals would align with Policies DE1 and H3 of the LP and the SPD as they require new development to respect their surroundings, create sustainable communities and have adequate amenity space.

Parking and highway safety

24. The proposal includes parking facilities for some 25 parking spaces and an area for cycle storage. According to the Council, this would provide sufficient parking for residents but would fall short when taking into account visitor parking at 1 space per 10 units of accommodation. This would be a marginal shortfall.
25. Daytime on-street parking is controlled on Jardine Crescent. Elsewhere, the majority of local housing benefits from its own off-street parking. The site lies close to shops and services, including public transport connections.
26. There is little evidence to demonstrate that on those occasions when parking demand may exceed on-site provision, there would be any adverse effects to highway safety or amenity as a consequence. Short-stay visitor parking could be accommodated off site within nearby parking bays on Jardine Crescent.
27. At the time of my site visit, albeit a snapshot in time, there was little to suggest on-street parking pressure exists in the locality. Although the area was moderately trafficked, there was little to indicate that on-street parking would result in materially elevated highway safety concerns.
28. The provision of a widened access on Jobs Lane would facilitate access to the site for larger vehicles. However, from the information provided, it is unclear whether refuse vehicles would be able to turn within the site to enter and leave in a forward gear. Nevertheless, the bin store would be located close to the entrance to allow bins to be serviced whilst the collection vehicle waits kerbside. Although this may interrupt vehicle flows and be close to a junction, this would only be for a limited time and be little different to other instances of domestic refuse collection within built up areas. In my view, it is not therefore likely that an unusual risk to highway safety would occur.
29. For those reasons, I find the scheme would provide a commensurate amount of parking and could be suitably serviced without undue risk to highway safety. It would be consistent with the requirements of Policies AC3 and H3 of the LP as they require developments to meet parking demand and safe access. For

similar reasons, it would comply with the aims of the National Planning Policy Framework (the Framework).

Infrastructure

30. Policy IM1 of the LP imposes an obligation on developers to meet some of the necessary infrastructure enhancements to offset the increased demand arising from the development. In this case the sum of £175,702 was requested towards primary and secondary education expansion in local catchment areas. However, aside from the general provision in Policy IM1 of the LP, there is little evidence to show how that figure is arrived at, either in terms of the anticipated level of demand arising from the development, or measured against existing capacity in local schools.
31. In the absence of objectively assessed need, I cannot be certain that this obligation would be fairly and reasonably related to the development proposed and that it passes the statutory tests contained in Regulation 122 of The Community Infrastructure Levy Regulations 2010 and Paragraph 57 of the Framework. It has not been demonstrated as a legitimate requirement and I cannot, therefore, conclude that there is conflict with Policy IM1 of the LP in that respect.

Other Matters

32. I note the appellant's assertion that the development would displace some alleged antisocial use of the site. However, there is little evidence provided in support of that claim. It is therefore a matter of limited weight in the appeal.
33. I also note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal, which I have determined on its own merits.
34. Third party concerns relating to the effects of the development on property values elsewhere is not a planning consideration.

Conclusion

35. The proposal would harm the character and appearance of the area. Notwithstanding my finding in favour of the appellant on the other matters raised in the Council's Decision Notice, as requirements of the development plan, these are not benefits in its favour. Accordingly, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR