



Appeal Decision

Site visit made on 6 June 2023

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2023

Appeal Ref: APP/U4610/W/22/3306412

166-188 Humber Road, Coventry CV3 1BG

- 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 Dougall of Gosford Park Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2022/1025, dated 21 April 2022, was refused by notice dated 22 July 2022.
 - The development proposed is the erection of three/four storey extensions, comprising of 8No. two-bedroom flats and a detached maisonette to rear comprising of 4No. one-bedroom flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the header above has been taken from the Council's decision notice, I note that it was also used by the appellant in their appeal form. I have used this as it more accurately describes the development than that in the planning application form, as the scheme was amended during the planning application process.
3. The appellant has submitted a completed unilateral undertaking (a UU) with the appeal. I will return to this later in the appeal.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area;
 - The living conditions of neighbouring and future occupiers; and,
 - On-street parking.

Reasons

Character and Appearance

5. The appeal site is located at the junction between Humber Road and Terry Road within a primarily residential area. This part of Humber Road and Terry Road are characterised by terraces fronting on to their respective highway. However, more recent development nearby is characterised by a pattern of development that is more irregular and that contains three and four-storey

buildings. Nevertheless, given the location of the appeal site it relates to the linear pattern of development described above.

6. The proposal would in part continue the existing terrace, wrapping it round on to Terry Road. Whilst this would maintain the pattern of development with regards to the terrace character, the proposed extension would significantly increase the height of the building. The three and four-storey segments would be an imposing and jarring feature in comparison to the adjoining, and neighbouring, two-storey terraces. The visual impact of the height would be further exacerbated by the flat roof section at the bend in the building which, in itself, would be an especially bulky and intrusive feature. The proposal also includes the erection of a two-storey building to the rear of the terrace. Whilst this would be set away from prominent public views, it would nevertheless be visible and its incongruous siting would affect the appreciation of the pattern of development along Terry Road and Humber Road.
7. Whilst I note there are taller buildings within the wider area, these are not, as noted above, read in connection with the appeal site. Moreover, I find that those examples, by way of their design, sit better with the buildings adjacent to them. They do not, therefore, justify the proposal before me.
8. The proposal would clear an area of overgrown land and remove the tired boundary treatment to the front of Terry Road. Whilst the removal of the fencing and billboards would be an improvement for the street scene, for the reasons given above, the development as a whole would nevertheless harm the character and appearance of the area. Likewise, the use of materials similar to the wider area would not be sufficient to outweigh the harm identified above.
9. Therefore, in light of the above, the proposal would harm the character and appearance of the surrounding area, in conflict with Policies DE1, H3, H5 and DS3 of the Coventry City Council Local Plan (December 2017, The LP). These policies collectively, and amongst other matters, require that developments are of a high-quality design that respects and enhances its surroundings, making a positive contribution to local identity and responding to the context of the site. The proposal would also conflict with the overarching design guidance contained within the Design Guide for New Residential Development Supplementary Planning Guidance and the Extending your Home Supplementary Planning Guidance. It would also conflict with the National Planning Policy Framework (the Framework), including Paragraph 130 which seeks developments to be sympathetic to the local character and maintain a strong sense of place.

Living Conditions

10. As noted above, the proposed extension of the terrace would create a bend to follow the junction around to Terry Road. The crook of this bend would contain six windows, all serving bedrooms. On drawing number 1205.06E these rooms are annotated as Bedroom 2 for plots 2, 4 and 6 and as Bedroom 1 for the existing ground and first floor flats.
11. The outlook from the windows serving Bedroom 2 of Plots 2 and 4 would be very poor, being directly onto the two-storey wall of the rear outrigger. The bedrooms would therefore be dark and feel enclosed to the detriment of the living conditions of future occupiers. Whilst the window serving Bedroom 2 of plot 6 is similarly located, the outlook would be directed at the roof of the

outrigger which pitches away from the window thereby creating a sense of openness. Views would also likely be afforded over the roof.

12. The outlook from the windows serving Bedroom 1 of the ground and first floor of the existing building would be funnelled between the existing outrigger and the three to four-storey extension. Therefore, whilst views directly ahead would be somewhat open, the height and proximity of the building to either side would result in a dark and oppressive outlook for future occupiers. This again would result in a poor and unacceptable standard of accommodation for future occupiers.
13. To the rear of the terraces is an outside space which wraps around the outriggers. The communal space is relatively small but provides some space for sitting outside, hanging out washing and socialising.
14. Whilst a significant portion of the site would be set aside for soft landscaping, a great deal of this would provide narrow borders at the edge of the car parking area. A large part would also be located very close to the ground floor windows of the existing and proposed properties where use would result in an unacceptable level of overlooking and the loss of privacy for occupiers.
15. A larger area of green space would be provided to the rear of the new building, this would be useable by future occupiers to sit out and socialise. However, I do not consider it to be sufficient in scale to suitably accommodate the number of residents likely to live at the appeal site. Moreover, the location of this space would read as a garden for the occupiers of new building rather than the wider development. This would be exacerbated by the removal of the rear accesses serving the existing terrace. While the courtyards between the outriggers would be retained, the removal of the rear accesses would also prevent access to these.
16. Whilst it is not typical for flats to be served by outside amenity spaces, the proposal would result in the loss of an existing amenity space serving the existing terrace. The replacement space would not be easily accessible or inviting for a number of the existing and new units, and would not be sufficient to meet the needs of all occupiers. Consequently, the standard of living conditions for existing occupiers would be eroded.
17. The proposal includes windows facing on to Terry Road across four floors. These would, given the siting of the extension and the nature of the road, be set fairly close to opposing windows on existing dwellings, and in particular No 234 Terry Road. I noted during my site visit that the front facing windows on this property serve habitable rooms and were clear glazed.
18. Although this may result in some degree of overlooking between the proposed flats and the existing dwellings opposite, road facing windows are rarely truly private. This is especially so when they are set close to the back of the pavement and highway. Moreover, the proposed windows would be at a similar distance from the opposing properties as is already typical for this part of Terry Road. Consequently, I find that there would be no unacceptable loss of privacy for the neighbouring occupiers, especially those at No 234.
19. Nevertheless, I conclude that the proposal would not provide a suitable standard of living conditions for future occupiers and would harm the living conditions of existing occupiers. The proposal would conflict with LP Policies

DE1, H3, H5 and DS3 which collectively require that developments are of a high-quality design that provides adequate and clearly defined private and public spaces, improve existing housing stock and promote the wellbeing and quality of life of residents. The proposal would also conflict with the Framework and in particular Paragraph 130 where it requires developments to promote wellbeing and provide a high standard of amenity for existing and future users.

On-Street Parking

20. The existing terrace does not have any off-street parking. However, as the appeal site is served by a spur off Humber Road, the opportunity for significant on-street parking is available on both sides of the highway. My site visit can provide only a snapshot in time and the level of parking may change throughout the day. However, at the time of my visit there were a number of spaces available on Humber Road as well as on Terry Road, although, I did also note some parking restrictions along both roads.
21. The proposal would result in 12 new dwellings, comprised of 4 one-bed and 8 two-bed flats. Given the location of the appeal site it is likely that there would be some access to public transport and future occupiers may be able to use more sustainable means of travel to meet their daily needs. However, from the information before me I am not satisfied that the level of access would necessarily result in reduced ownership of private motor vehicles.
22. The Council's parking guidelines set out that this development would require a total of 21 parking spaces to be provided. However, only 11 parking spaces have been provided as part of the proposal. The development would therefore result in an under provision of 10 parking spaces which would need to be accommodated by on-street parking.
23. Whilst this would be a significant under provision, I note that the appellant has submitted a Transport Statement that includes a parking survey carried out in accordance with the guidance contained within Appendix 5: Car and Cycle Parking Standards for New Development (Appendix 5). This demonstrates the levels of existing on-street parking, the demand generated by the proposal and that the surrounding area, within 200m of the site, could amply accommodate the demand. Given this, and my observations on site, I find that there would be no unacceptable harm stemming from the under provision of on-site car parking spaces. I am also mindful that the Council's Highways Team have found similarly.
24. Although the proposal would not result in sufficient on-site parking to accommodate the proposal's needs, this under provision would not result in any unacceptable impact on the highway or surrounding area. Consequently, the proposal would comply with the overarching aims of Appendix 5 to minimise the adverse impacts stemming from on-street parking and would therefore comply with LP Policy AC3 which relies upon this document. The proposal would also comply with Chapter 9 of the Framework, including Paragraph 111 which only seeks to refuse development on highway's grounds where there is an unacceptable impact on highway safety or severe cumulative impacts.

Other Matters

25. The Council also refused the proposal on the grounds that no mechanisms were provided to secure contributions towards health care, education and the street scene. A UU was submitted as part of the appeal seeking to deal with these matters. However, as the appeal is to be dismissed on other substantive issues it is not necessary to further consider this matter.

Conclusion

26. The Government's objective is to significantly boost the supply of housing and the proposal would provide 12 new dwellings. It would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. Given the scale of the proposal these matters would at most attract moderate weight.
27. The proposal does not result in any harm as a result of on-street parking. It appears that the proposal would also not conflict with Policies H4, H9 and GE2 of the LP. However, a lack of harm is not a benefit in itself and I therefore attach these matters neutral weight in my consideration.
28. Conversely, the proposal would result in harm to the character and appearance of the surrounding area and the living conditions of existing and future occupiers, in conflict with the development plan taken as a whole. These matters attract significant weight and outweigh the benefits associated with the proposed development.
29. The proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, for the reasons outlined above, I conclude that the appeal should be dismissed.

Samuel Watson

INSPECTOR