



Appeal Decision

Site visit made on 6 July 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2023

Appeal Ref: APP/U4610/W/23/3316646

28 Tallants Road, Coventry CV6 7FT

- 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 Sunny Dhillon against the decision of Coventry City Council.
 - The application Ref FUL/2021/2944, dated 7 September 2021, was refused by notice dated 20 January 2023.
 - The development proposed is demolition of existing dwelling and creation of 9 no. dwellings and associated access road and landscaping on existing vacant land.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Sunny Dhillon against Coventry City Council, and that is the subject of a separate decision.

Preliminary Matters

3. The description of the proposed development in the banner heading above is taken from the planning application form. However, during the application stage the number of proposed dwellings changed from 9 to 8 dwellings. The above description therefore differs from that on the decision notice which is 'demolition of No 28 Tallants Road and erection of eight dwellings with associated works.' My decision is based on this description from the decision notice, since it more accurately described the proposal. It is also shown on the appeal form, so the appellant would not be prejudiced by my use of it.
4. The Officer's Report refers to the Council's Design Guidance for New Residential Development Supplementary Planning Guidance (1991) (SPG). However, this document has been replaced by the Council's Design Guidance for New Residential Developments Supplementary Planning Document, which was adopted on 13 December 2022. The SPD was adopted before the Council's decision notice for FUL/2021/2944 was issued. The main parties have been given the opportunity to comment on it. Therefore, my use of this document would not prejudice any of the interested parties.

Main Issues

5. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - living conditions of future occupiers, with regard to private outdoor amenity space.

Reasons

Character and Appearance

6. The appeal site is an irregular shaped plot of land situated behind existing dwellings that front onto Tallants Road, Over Street and Haddon Street. The site is mainly vacant and overgrown but does contain several garage units on its periphery, with vehicular access via a narrow track between existing dwellings.
7. The surrounding area is a mature residential estate consisting of mainly traditional two-storey properties set within terraced blocks with some semi-detached properties. The properties have spacious rear gardens that back onto the appeal site, all of which contributes positively to the character of the area. There is consistency in the existing properties in that they follow established building lines and generally have a presence within the street-scene, which creates a strong pattern of development.
8. Notwithstanding the presence of the garage units, the appeal site has a sense of spaciousness, resulting from its openness and its relationship with the undeveloped garden land to the rear of the existing dwellings.
9. The proposal would introduce 8 dwellings of 3 storey on land beyond the rear building line of the existing residential development. The scale, height and massing of the proposed dwellings would be at odds with the prevailing development pattern of the surrounding area. This is because the proposed three-storey dwellings would be significantly taller than the adjacent neighbouring dwellings, with a roof form protruding above them.
10. Furthermore, due to the linear and narrow shape of the appeal site, the size and position of the proposed dwellings would appear cramped on site with very small separation distances between the proposed dwellings and the neighbouring garden boundaries. This would undermine the established character of the area. The extent of the hardstanding driveway to the rear of the existing dwellings would add to this harm.
11. Consequently, the proposal would create an incongruous form of residential development adjacent to a well-established rear garden environment. It would therefore fail to make a positive contribution to the character and appearance of the area.
12. As the ground level of the site is generally level with the adjacent properties, it would be possible for views of the development to be glimpsed through the gaps between the existing dwellings that surround the site. Its presence would therefore be visible from the public realm.
13. For the reasons given, the proposal would represent an unacceptable form of development that would harm the character and appearance of the area. As such, it would fail to accord with Policies H3 and DE1 of the Coventry Local Plan (2017) (Local Plan). Collectively, these policies amongst other things, seek to ensure new residential developments provide a high quality residential environment that respects and enhances its surroundings and positively contributes towards the local identity and character of an area. It would also fail to accord with the design objectives of the National Planning Policy Framework (Framework).

Living Conditions

14. The Council's Design Guidance for New Residential Developments Supplementary Planning Document (2022) (SPD) at paragraph 8.20 states *"The amount of garden spaces (including front, side and rear spaces) may vary widely but new developments must provide for a minimum amount of private amenity space in the form of gardens. The minimum amount may vary depending on the context of the house. Homes with private amenity spaces facing predominantly north may need to provide larger private gardens than those facing the sun with a predominantly southern orientation."*
15. The proposed development would include 8 dwellings. Plots 1, 2, 3 and 8 would have private amenity space that exceeds 50sqm. However, plots 4, 5, 6 and 7 are designed as back-to-back houses and therefore would not have rear gardens. These properties would instead have courtyards and terraces which would provide 28sqm of private amenity space. Furthermore, plots 4 and 5 would face southwest and plots 6 and 7 northwest.
16. Therefore, due to their orientation and amenity space sizes, plots 4, 5, 6 and 7 would fall more than marginally short of the minimum outdoor private amenity space sizes set out in Table 3 of the SPD, i.e. 55sqm (south) and 65sqm (north). As these proposed dwellings would be three-bedroomed properties, which could be used for a small family, this would be of limited size resulting in a cramped layout, reducing the quality and level of practical use unacceptably.
17. Consequently, I find that these spaces would not be large enough to provide sufficient space for the needs of future occupier's, such as clothes drying or enjoying garden activities and relaxation with outdoor seating. The proposal would not therefore provide adequate living conditions for future occupants, having regard to the amount of outdoor amenity space.
18. I acknowledge that the proposal would include landscaped areas within the appeal site. However, these landscaped areas would not be suitable for future occupiers in carrying out daily activities such as clothes drying and would not provide a secure environment for children to play freely without constant supervision.
19. I accept that the proposal would be for open market housing and as such this would mean that any prospective occupiers would have some choice about whether they choose to live in it. However, this proposal would result in inadequate private outdoor amenity space which would be harmful to the living conditions of future occupiers for the reasons explained.
20. Therefore, the proposed development would fail to provide acceptable living conditions for future occupiers. As such, the proposal would fail to accord with Policy H3 of the Local Plan, which amongst other things, seeks to ensure new residential developments provide adequate amenity space. It would also fail to accord with Policy DE1 of the Local Plan, which amongst other things, seeks to ensure development responds to the physical context of the site. The appeal scheme would also conflict with the advice of the SPD. The aims of which seeks to ensure appropriate living conditions for occupiers of dwellings as a result of new development.

21. In addition, the proposal would fail to accord with the Framework (para 130), where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

Other Matters

22. My attention has been drawn to a previous appeal decision (APP/U4610/W/19/3219738), where the Inspector considered that the principle of residential development within the site would be acceptable. However, for the reasons given, the proposal for this appeal is not suitable for the site as it is a form of development that is out of keeping with the established character of the area.
23. The proposal would result in a tidying up of the site through removal of overgrown planting and would make use of the unused site that has previously experienced fly-tipping. However, this small benefit would not be sufficient to overcome my concern regarding the harm arising from the proposal.
24. The proposal would include a formal landscaped area to be used as informal Public Open Space and the creation of a 'tiny forest', which would provide biodiversity and community benefits. Nevertheless, this would not be sufficient to mitigate the harm I have identified.
25. The proposal would make a small windfall contribution to the delivery of housing from the area on a site in an accessible location. However, the weight of this modest benefit would not be sufficient to justify the harm I have identified.
26. I have noted objections/concerns raised by local residents with respect to matters including the effects upon neighbouring living conditions, highway safety, increased noise and disturbance, loss of wildlife and green space. However, as I have found the proposal to be unacceptable for other reasons, it is not necessary for me to explore these matters any further here.

Conclusion

27. For the reasons given above, the proposal would result in considerable permanent harm to the character and appearance of the area. Although the proposal may provide some benefits, these modest benefits would not outweigh the harm I have found to the character and appearance of the area and the living conditions of future occupants.
28. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it.
29. For the reasons given above, the appeal is therefore dismissed.

H Smith

INSPECTOR