



Appeal Decision

Site visit made on 16 August 2023

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 September 2023

Appeal Ref: APP/U4610/W/22/3312209

Land at 69-71, Wyken Croft, Coventry CV2 3DA

- 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 Ahmed Khurshid against the decision of Coventry City Council.
 - The application Ref FUL/2020/2097, dated 20 May 2021, was refused by notice dated 29 July 2022.
 - The development proposed is Erection of new dwelling with associated access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address above is taken from the Council's decision notice, and which the appellant uses on his appeal form, as it more accurately describes the location of the site as being between properties.
3. I have used the description from the Council's decision notice as it includes the reference to 'access'. However, I have omitted reference to a resubmission of a previous application as this is not a definition of development.
4. There are a number of discrepancies with the submitted plans, in that the elevations do not fully correspond with the floor plans. For example, the front elevation plans do not indicate the three elements of the staggered frontage. The floor plans show the ground floor WC and dining room have no windows, but the elevations show one of these rooms would have a front-facing window; the first-floor bathroom with a side window, but the elevations show a front facing window; Bedrooms 1 and 4, as well as an ensuite, have no windows at all and there are no rear elevations to compare with. The roof plan shows small, hipped roofs to the front of each staggered element, but these are not shown on the elevations. A rear dormer is shown in cross-section and on the side elevation, but this is not accurately portrayed on the roof plan.
5. With so many discrepancies I cannot be sure about the final dwelling, where windows would be positioned, or the form of the roof. Even if I were minded to allow the appeal and impose the standard condition requiring the dwelling to be built in accordance with the submitted plans, there would be too much uncertainty as to what could be built.
6. I understand the Council has made the appellant aware of the discrepancies. However, the appellant has not submitted any corrected plans with his appeal, despite indicating a willingness to scale-down the development to alleviate any concerns. I am required to consider and determine the appeal development

based on the submitted plans which were before the Council when it made its decision, and which are the subject of this appeal. Notwithstanding the discrepancies with the plans, I can nevertheless use them as a guide because they show a proposed two-storey dwelling on the site with parking, a staggered floor plan and garden.

7. Coventry City Local Plan (the 'Local Plan') was adopted in December 2017. As its strategic policies are now more than 5 years old the Council has recalculated its local housing need using the government's 'Standard Method', in accordance with paragraph 74 of the Framework. As a result, the Council is no longer able to demonstrate it has a five-year supply of housing land.

Main Issues

8. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area.
- The effect of the proposal on the living conditions of existing occupants of 71 Wyken Croft (No.71) with regards to outlook and light.
- The effect of the proposed parking and access arrangements on highway users; and
- The effect of the proposal on the green infrastructure network.

Reasons

Character and appearance

9. The appeal site is an irregular parcel of land located within a predominantly residential area. I saw a few bungalows and semi-detached properties at the ends of the road, but Wyken Croft is characterised by short terraces of two-storey dwellings set back from the road on a strong linear building line. Despite some variations in design, there is a general uniformity of terraced properties with bay windows, occupying similar width plots with long linear rear gardens.
10. Wyken Croft is on an incline, so that the roofs step down and there is a ground level difference between Nos.69 and 71. As the road bends round, the two terraces either side of the appeal site are cranked round, creating a tapered gap between the properties with a very narrow frontage onto Wyken Croft. The site then widens out at the rear to create a triangular plot and garden.
11. The proposal would involve the erection of a detached two-storey dwelling in the tapering gap between Nos. 69 and 71. The dwelling would have a staggered frontage with two setbacks to be able to fit into the narrow gap. The narrow plot frontage onto Wyken Croft and the staggered footprint would be at odds with the prevailing pattern and form of development along Wyken Croft as described above.
12. Furthermore, due to the bend of the road and the difference in ground levels, the proposed dwelling would be unduly prominent. The staggered side elevation would be exposed to view, revealing the contrived form of development that would be shoe-horned onto the site. Furthermore, the proposed large windows on the narrow- frontage would accentuate the

disruption to the prevailing horizontal emphasis of the neighbouring properties and terraces.

13. In conclusion on this matter, the proposed dwelling would harm the character and appearance of the area. Accordingly, the proposed development would be contrary to Local Plan Policies DE1, DS3 and H3. Collectively these policies seek to ensure, amongst other things, that new development respects and enhances its surroundings and positively contributes to local distinctiveness and character and provides high quality residential environments to enhance the built environment and create sustainable development.

Living conditions for occupants of No.71

14. Due to the shape and constraints of the site, the proposed dwelling would extend out at the rear some 6.5m long in total, albeit the last 2.5m of that would be single storey. This would present a long flank elevation and substantial amount of built development to the occupants of No.71. Whilst the shape of the site means the extension is angled away from the shared boundary with No.71, the appeal plot is on higher ground than No.71. This would increase the overall height and bulk of the extension when viewed by occupants of the lower property (No.71).
15. The effect would be an imposing and overbearing form of development that which would adversely affect the outlook from habitable rooms or areas and result in an oppressive living environment for occupants of No.71. Whilst the appeal proposal would see the removal of overgrown vegetation that may let more light into the garden of No.71, the presence of a solid built flank wall of a two-storey dwelling is a permanent intrusion.
16. The proposed dwelling would also cause some overshadowing of parts of the garden of No.71 closest to the shared boundary and further degrade the living conditions of occupiers of No.71.
17. The proposal would therefore adversely affect the living conditions of occupants of No.71. Accordingly, it would be contrary to the Local Plan Policies DE1, DS3 and H3. Collectively these policies seek to ensure, amongst other things, that development provides a high-quality residential environment, and considers the impact of the design over the lifetime of the development, with consideration of health, wellbeing and quality of life.

Parking and access

18. Based on the Council's parking standards, which are a maximum, the proposed dwelling would generate the need for 2 parking spaces.
19. One space would be provided at the front on the small and narrow piece of land to the front of the dwelling off Wyken Croft. From my observations and from looking at the submitted plans, a car would only just be able to fit between the site boundaries with the adjacent front gardens. This would make it difficult for a car to park and manoeuvre, especially if occupants have larger vehicles. It would also make it difficult and inconvenient for occupants to be able to get in/out of their cars to get to the front door and use their driveways, with no room to get pushchairs or wheelchairs alongside the car, or even load/unload the car or wash it.

20. The appellant states that refuse bins can be collected via the rear access routes. With the dwelling and parking space so closely positioned up against the site's boundaries there would be no space in any event to bring refuse bins alongside the house itself and onto the driveway on Wyken Croft.
21. If driveway space is unduly narrow or perceived as such, or too small, awkward or inconvenient to use, occupants are more likely to park their vehicles on the road. I saw that most properties did not have driveways, although some properties on the flatter part of Wyken Croft had created small front driveways. As a result, vehicles were parked on the street half on the road and half on the pavement, thus impeding access for pedestrians using the footways. There were also speed bumps in the road and a school entrance with restricted parking opposite the appeal site. I also experienced that Wyken Croft was well used and parked cars impeded traffic flows while people waited for vehicles to pass. With the inconvenience of the substandard proposed parking space, future occupants would likely park on the road and exacerbate the existing pressures for on-street parking.
22. A second parking space is shown to the rear of the garden accessed via a shared, gated, unmade and narrow track. Vehicular access to the track can be gained off Wyken Croft and Olive Avenue. I saw some properties had garages in their back gardens, accessed by the track, or pedestrian access gates into their gardens. The overgrown condition of the track indicated to me that regular vehicular access did not appear prevalent. There was also little room to manoeuvre or turn any vehicles.
23. Even if the appellant would have a right of access over the access track to the rear, the regular use of the access track via shared lockable gates would present an inadequate parking arrangement to be relied upon. Whilst the provision of 2 car parking spaces is a maximum provision, the submitted floor plans show a 4-bedroom property, which is likely to be attractive to families. With neither parking space being practical, convenient or adequate, the development would likely result in on-street parking to the detriment of drivers and pedestrians.
24. Accordingly, the proposed development would be contrary to Local Plan Policies DE1, DS3, H3 and AC3. These seek, amongst other things, to provide high-quality environments for residential development and that parking provision is judged against the Council's parking standards.
25. Policy AC4 seeks to promote walking and cycling and the creation of such links and hence is not directly relevant to the main issue.

Green Infrastructure

26. According to the appellant the appeal site is an abandoned allotment and has been out of use for over 10 years. The appellant also states the site is subject to anti-social behaviour, although there is no substantive evidence from local representatives or the Police about this. Proving abandonment can be a complex matter.
27. The Council's suite of aerial images would seem to indicate that the site's condition has worsened over the years. I saw that the site was fenced off and was significantly overgrown. Whilst I was given access to the access track off Olive Avenue to see the rear of the site, I was unable to gain access onto the

appeal site itself through the undergrowth and hence views of the site were limited. The Council states that the appeal site sits adjacent to private allotment gardens. The area is surrounded by residential properties on Wyken Croft, Wyken Avenue and Olive Avenue. Walking around the area I saw there were various other pedestrian and vehicular access ways into the 'allotment' area, but gates were locked so I was unable to confirm the extent of current allotment activity or how the adjacent land related to the appeal site.

28. Local Plan Policy GE1 explains the Council's vision is for the provision of a city-wide network of high quality, well managed and well connected multifunctional green space delivering a range of benefits to city and those who live, work and visit it. Under Policy GE1, allotments are classified as "functional" green infrastructure. Allotments and community gardens are also regarded as being a key type of provision of open and recreational facilities that make a valuable contribution to improving health and wellbeing of local people. As a result, allotments have significant value.
29. Under Policy GE2, the loss of green space of value for amenity, recreation and community use will not be permitted unless assessments show it is no longer in demand or no prospect of demand, a deficiency of such a use would be created or it would be replaced by equivalent or better provision.
30. The Council states in its officer delegated report that the planning officer has spoken to the secretary of the Coventry District Allotments and Gardens Council at the end of 2020, who stated there was a shortage of allotments across the city and there are waiting lists.
31. Other than hearsay, neither party has provided any substantial written evidence of the extent of the current allotment usage and demand for such facilities in the area, or lack of. The site may well be overgrown and currently not in use, but that does not mean the use has been abandoned or that the allotment cannot be brought back into active use, or there is no prospect of such. In the absence of substantive evidence to demonstrate there is no longer a demand for allotments, or that a deficiency of allotment provision would not be created, I find the proposal would result in the loss and erosion of the network of city-wide green infrastructure that would be contrary to Local Plan Policies GE1 and GE2.

Other Matters

32. I acknowledge the appellant's concerns with the Council's handling of the case and previous application. That is a matter between the appellant and the Council. In reaching my decision I have been concerned only with the planning merits of the case.

Planning Balance and Conclusion

33. The Council confirms that it cannot demonstrate a five-year supply of deliverable housing sites. Therefore, policies which are most important for determining the application are to be considered out of date. The 'tilted balance', as set out within paragraph 11 of the Framework, is engaged. This means that the policies which are most important for determining the application are to be considered out-of-date and that permission is granted unless any adverse impacts of doing so would significantly and demonstrably

outweigh the benefits when assessed against the policies in the Framework taken as a whole.

34. The proposal would bring some benefits. The dwelling would contribute to reducing the Council's deficit of housing and would be in an accessible location that would reduce reliance on the car and help climate change. It would be an efficient use of land and help remove alleged anti-social behaviour. There would also be some economic benefits by providing local employment during the construction period and by supporting the local economy. However, these benefits would be very limited given that only one dwelling is proposed.
35. I have found there would be a loss of green infrastructure, harm to the character and appearance of the area and to the living conditions of existing occupiers of the neighbouring property. This would cause a lasting harm that would be contrary to the Framework's aims of promoting good design with a high standard of amenity including for existing users and of protecting open spaces and access to them. This would be an adverse impact of granting planning permission that would, in my view, significantly and demonstrably outweigh the benefits I outline above when assessed against the policies in the Framework taken as a whole.
36. I have found that the proposal would conflict with local policies and therefore it would also conflict with the development plan as a whole.
37. For the reasons above I conclude that the appeal proposal would not accord with the development plan. The material considerations I outline above, including the Framework, are not sufficient to outweigh this conflict. Consequently, the appeal should be dismissed.

K. Stephens
INSPECTOR