The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:07.11.2023

Appeal Ref: APP/U4610/W/23/3322635
133 Dane Road, Coventry, CV2 4JU

- 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 Nurul Kabir against the decision of Coventry City Council.
- The application Ref PL/2023/0000455/HHA, dated 6 March 2023, was refused by notice dated 26 April 2023.
- The development proposed is the construction of a new driveway and footpath crossing.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new driveway and footpath crossing at 133 Dane Road, Coventry, CV2 4JU in accordance with the terms of the application, Ref PL/2023/0000455/HHA, dated 6 March 2023, subject to the following condition:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 9538-1 Rev A and 9538-2 Rev A.

Preliminary Matter

2. At the time of my visit, I saw that works had been undertaken to the frontage of the appeal property where the land levels had been lowered to provide an open-fronted flat surface with works unfinished, and with retaining walls constructed to the sides and rear.

Main Issues

3. The main issues are the effects of the proposal on the character and appearance of the area, and upon highway safety.

Reasons

Character and Appearance

4. Dane Road is an unclassified, principally residential road with deep, shingle-surfaced verges to each side which I saw to be heavily used for off-street parking at the time of my visit. The appeal property is a terraced house on the north side of the road, set behind a garden frontage and elevated slightly above the levels of the adjoining footpath, which runs parallel to the verge.

5. Despite the excavation that has taken place to the frontage of No 133, I found the contrast between the appeal site and the raised frontages of other

properties within the terrace of eight in total, to be neither dramatic nor pronounced due to the levels differences being fairly nominal. Furthermore, I saw that it was not the case that all raised gardens were soft landscaped, with a significant number entirely hard-surfaced at a level equivalent in height to their low front boundary retaining walls, including the four immediately neighbouring properties to the west at Nos 131 through to 125 (odd). The absence of a soft landscaped frontage at No 133 was by no means unusual or conspicuous.

6. In addition, I saw numerous examples along Dane Road, but especially to the north side and running away from the appeal site in both directions, where open hard surfaced frontages providing space for on-site parking already existed. Due to the topography of the area, some had obviously involved a degree of land excavation, whereas others appeared not to have done so. Nevertheless, because none of the houses are significantly raised above the pavement levels when compared with others, there was little visual difference to be detected between any of them, or with the circumstances at No 133. I therefore do not agree with the Council's assertion that the levels change is highly visible or incongruous.

7. Furthermore, I saw the street scene along Dane Road to be heavily dominated by parked vehicles in a variety of forms. In addition to those parked on-site perpendicular to the highway, significant numbers were parked on the verges parallel to the road. Others occupied this space either parked at a skewed angle, often having approached from different directions compared with others, whilst some were positioned perpendicular to the road where the depth of the verge allowed. Others still, parked kerbside on the carriageway where I noted there to be no obvious parking control measures in place. Given this context, a vehicle parked on the frontage to No 133 would not appear out of place or conspicuous.

8. I have noted the Council's assertion that other properties with frontage parking may not have involved engineering operations that would have required planning permission for the hard surface, or else that there was no record of planning permission having been granted. Nevertheless, these properties were not insignificant in number and I have no evidence to demonstrate that the Council has in the past actively sought to investigate where development may have taken place without planning permission. Regardless, for reasons amplified above, I find the proposal to excavate and lay a hard surface at No 133 to be in-keeping with the street scene. Accordingly, I find no conflict with the aims or objectives of the Council's *Householder Design Guide Supplementary Planning Document*, or with the requirements of adopted Policy DE1 of the Coventry Local Plan 2017 (CLP) for development to display a high quality of design that respects the local identity and character of the area. For the same reason I am satisfied that the proposal would comply with the National Planning Policy Framework's (the Framework) objectives for achieving well-designed places.

Highway Safety

9. I have discussed the existing haphazard nature of parking along Dane Road above. The kerbside to the highway along Dane Road is continuously breached by vehicles along its length on both sides, including directly in front of No 133 where parking on the verge takes place. I accept that the frontage space to

the appeal site would not be sufficient in size to allow a vehicle to turn and thereby exit and enter the highway in forward gear. But, from my own observations, such a manoeuvre would not be uncommon due to the very significant amount and mixed range of uncontrolled parking which already occurs. Cars already emerge onto the carriageway along Dane Road between cars that are parked in a variety of ways. The circumstances at No 133 would add to the mix but I have been presented with no substantive evidence to demonstrate that the existing highway environment presents any inherent danger to its users.

10. The walls to either side of the hard surfaced frontage appear to be shown on the planning application drawings as being 1.3m tall. The appellant has stated that this is incorrect and that they measure 0.7m tall (which reflects my observations on site) and that they could be reduced to 0.6m tall to comply with the Council's requirement for pedestrian visibility splays. A condition to this effect could be imposed, but this would not control the height of any enclosure to either adjoining property and would therefore be ineffective.

11. Nevertheless, where frontage parking already exists, I saw the side boundary enclosures to each point of access adjacent to the pavement varied in height from site to site. In no instance were the enclosures excessively tall although in some cases they were obviously taller than at No 133. Again, I have been presented with no substantive evidence to demonstrate that any existing point of access onto Dane Road is a proven hazard to pedestrians. Indeed, from my own observations, in every example I saw that the frontages were clearly open, where the emergence of a vehicle would not be uncommon and would be clearly in sight. The arrangement at No 133 would be no different to some and better than others. Given also the prevailing boundary enclosures along this part of Dane Road, I find it highly unlikely that the height of the existing enclosures relative to the height of the retaining walls at No 133 would change.

12. Overall, I find that access for a vehicle to and from the proposed hard surface at No 133 would function in a manner comparable to many other vehicles which manoeuvre into a variety of parking spaces in a variety of ways along Dane Road. Without any substantive evidence to the contrary, I am unable to conclude that the proposal would contribute to any deterioration in the safety of highway users, either along the footpath or along the carriageway. In the absence of any identified negative impact on the capacity and/or safety of the highway network, I find no conflict with CLP Policy AC2, or with Policy DE1 as far as one of its key principles is to provide safe public spaces. For the same reasons I find no conflict with the Framework's objectives for promoting sustainable transport.

Other Matters

13. I have noted the concern of a neighbouring occupier about the effects of the proposed engineering works upon their garden and dwelling. However, given the very limited scale of the excavations, their distance from the elevations of neighbouring dwellings, and the retaining walls that have been constructed, I am satisfied that any impact beyond the boundaries of the appeal site would be negligible, if at all. I note the Council raised no concerns in this regard.

Conditions

14. As work has already commenced, there is no requirement to impose the standard time limit permission although a condition specifying the relevant plans is necessary in order to provide certainty. The Council has not suggested any other conditions in the event of the appeal succeeding.

Conclusions

15. For the reasons given, I find that there would be no harm to the character or appearance of the area, or to highway safety. Accordingly, in the absence of any other conflict with the development plan, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR