



Appeal Decision

Site visit made on 10 October 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2023

Appeal Ref: APP/U4610/W/23/3319917

140 Far Gosford Street, Coventry CV1 5DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by AGA TM Ltd against Coventry City Council.
 - The application Ref FUL/2022/2089, is dated 25 July 2022.
 - The development proposed is the extension of the existing premises (Use Class E) to encompass the former side access, removal of the shop front to for a new frontage to be installed, together with the installation of a roller shutter.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given above is taken from the Council's Decision Notice rather than the planning application form, as this provides a more precise description of the proposal, and I note that the revised description has been used on the appeal form. However, I have omitted the words 'part retrospective' as they do not describe acts of development.
3. At the time of my site visit, I could see that work had commenced on site, however, the development that has taken place does not appear to have been carried out in accordance with the submitted plans. Therefore, for the avoidance of doubt, I have determined the appeal based on the proposed plans before me. Whether or not work may have taken place which does not form part of the appeal proposal is a separate matter to be resolved between the parties outside of this appeal.
4. The appeal is made against the Council's failure to determine the application within the prescribed period. Nevertheless, the Council issued a Decision Notice which sets out the reasons why the Council refused planning permission.

Main Issues

5. The main issues are the effect of the proposed development on:
 - the character and appearance of the host building, including whether it would preserve or enhance the Far Gosford Street Conservation Area; and
 - the living conditions of the occupants of neighbouring residential properties having regard to noise and disturbance.

Reasons

Character and appearance

6. The appeal property is a 2 storey pitched roof terraced building fronting Far Gosford Street. It comprises a commercial use at ground floor and residential accommodation above. It lies within the local centre where the surrounding area includes development of similar uses. The appeal proposal seeks to extend the ground floor area, which the submissions indicate most recently operated as a bar/restaurant, by incorporating the former covered access to the side of the building. This would include alterations to the shop front including the replacement of the archway area, with a centrally located double entrance door and windows to either side, as well as new pilasters.
7. The site lies within the Far Gosford Street Conservation Area (CA). The Far Gosford Street Conservation Area Appraisal (November 2013) sets out that the significance of the CA is derived from its origin as the main road out of Coventry to London and Leicester and the presence of a broad range of historic buildings. It indicates that the shop fronts were inserted in the late 19th century as part of the transformation of the residential and industrial buildings into commercial premises.
8. The traditional form of the shop front, with modest proportions and importantly an arched entrance to the walkway alongside it, which the appeal submissions indicate forms part of the original building, contribute positively to the character and appearance of the building and the significance of the CA as a designated heritage asset. Notwithstanding the inclusion of architectural detailing in the form of consoles and pilasters, the proposed proportions of the new frontage opening and absence of traditional window detailing, together with the loss of the arched pedestrian access feature, would diminish the historic character and appearance of the building.
9. Consequently, the proposal would detract from the character and appearance of the host property and would harm the character and appearance of the area. It would therefore fail to preserve or enhance the character and appearance of the CA and would undermine its significance as a designated heritage asset.
10. In finding harm, this is something to which I have given considerable importance and weight to. However, this harm is less than substantial in terms of the National Planning Policy Framework (the Framework) as it would only affect a small part of the CA and would therefore be localised. In accordance with paragraph 202 of the Framework, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The submissions do not highlight any particular public benefits that would arise from the development. As such, the harm that would be caused to the significance of the CA is not outweighed by any other factors.
11. I therefore conclude the proposal would fail to preserve the character and appearance of the CA and would cause less than substantial harm to its significance as a designated heritage asset. In the absence of any public benefits to outweigh this harm it would conflict with the aims of Policies CC1, CC2 and CC15 of the Coventry City Council City Centre Area Action Plan Adopted 6 December 2017 (CCAAP). Among other things, these policies require development to preserve or enhance the character and appearance of the CA

and specifically to respect the historic character within the Far Gosford Street area.

12. The proposal would also fail to accord with the high quality design aims of Policy DE1 of the Coventry City Council Local Plan adopted 6 December 2017 (LP) which sets out that all development proposals must respect and enhance their surroundings, including preserving or enhancing the character and setting of the historic built environment; and Policy HE2 of the LP which supports development proposals where they conserve aspects of the historic environment which are recognised as being of special historic interest, including Conservation Areas. It would also fail to accord with the aims and objectives of the Framework in respect of well-designed places and the historic environment.
13. The refusal reason also alleges conflict with Policy HE1 of the LP. However, this policy refers to the designation of Conservation Areas and the intention to produce Conservation Area Appraisals and Management Plans to guide their preservation and enhancement and is therefore not relevant to the harm I have identified.

Noise and disturbance

14. The site is in a commercial area which comprises a range of uses likely to generate noise and activity throughout the day and into the evening. The enclosure of the covered access would result in only a modest increase in the internal ground floor area at the property. Consequently, there is no reason to believe it would result in a material change to the levels of noise generated in association with the established bar/restaurant use at the property. Whether or not conditions attached to the previous planning permission relating to noise management have been formally discharged and complied with, is a matter to be dealt with separately.
15. As such, I find that the proposal to extend the ground floor premises would not harm the living conditions of the occupiers of the neighbouring residential properties, including those on the upper floors of the building, through increased noise or disturbance.
16. Whilst noise generated by the roller shutter would be intermittent, given the likelihood for use at anti-social times of day in association with the bar/restaurant use, it would nevertheless have the potential to generate a degree of noise and disturbance. In the absence of details of noise levels that would be generated by the roller shutter, together with times of operation, there is no clear evidence that the development would not give rise to unacceptable harmful effects to the living conditions of the occupants of nearby residential properties.
17. The Council's refusal reason alleges conflict with Policy CC15 of the CCAAP, but this appears to relate to the acceptability of the use of upper floors of buildings for residential or office use having regard to their compatibility with ground floor commercial uses. Similarly, Policy H5 of the LP relates to the formation of new residential units rather than the protection of living conditions of existing residents. Nevertheless, Policy DE1 of the LP, among other things, requires development to respect their surroundings and seeks high quality design, including attention to detail in the layout of development in terms of function and impact. The proposal, with the potential to cause noise and disturbance,

would conflict with the aims of Policy DE1. It would also fail to accord with Paragraph 130 of the Framework in so far as it seeks to ensure that new development creates places with a high standard of amenity for existing and future users.

Conclusion

18. The proposal would conflict with the development plan taken as a whole; material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR