



Appeal Decision

Site visit made on 25 October 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 08 December 2023

Appeal Ref: APP/U4610/W/23/3319644

100 Kenilworth Road, Coventry CV4 7AH

- 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 H Dhaliwal against the decision of Coventry City Council.
 - The application Ref PL/2023/0000034/FUL, dated 25 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is the erection of dormer bungalow on land to the rear of 100 Kenilworth Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's refusal reasons refer to the Coventry Local Plan 2016 (CLP). However, the information provided indicates the CLP was adopted in late 2017. For clarity, I confirm I have determined the appeal based on the policies provided by the Council with its appeal questionnaire.

Main Issues

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Kenilworth Road Conservation Area.

Reasons

4. The appeal site is located within the Kenilworth Road Conservation Area (KRCA). Built form within the KRCA includes many detached dwellings on large plots. The dwellings are generally well set back from Kenilworth Road behind a central woodland known as the Spinney that lines almost the whole length of Kenilworth Road that forms the backbone of the KRCA. This green verdant strip contributes significantly to the character of the area.
5. From my observations and the KRCA appraisal, the significance of the KRCA derives from the established pattern of development with predominantly large, detached houses located behind the central woodland spine that lines Kenilworth Road which creates a particularly impressive approach to Coventry. This provides significant aesthetic value and creates a natural characteristic that brings an enhanced rural feeling to a suburban setting.
6. The appeal site comprises the rear part of the garden of an existing detached property that is set back some distance from Kenilworth Road and is accessed via a spur road that also provides access to neighbouring properties. Consistent with the character and appearance of KRCA, properties along this part of

Kenilworth Road are typically detached houses on spacious plots with an abundance of trees and vegetation located between the houses and Kenilworth Road which forms part of the central woodland spine. There are also trees within the rear gardens of many houses within the vicinity, including the appeal site.

7. The appeal site comprises a mainly grassed area with several trees scattered throughout this part of the garden, and a mature hedge separating it from The Shrubberies which is another residential road located to the rear. This creates a sense of spaciousness within an open and green setting on the appeal site itself, with the rear hedge providing a clear demarcation that separates the appeal site from The Shrubberies and also marks the boundary of the KRCA. This arrangement makes a positive contribution to the character and appearance of the area. This sense of spaciousness with a clear demarcation between houses along Kenilworth Road and The Shrubberies also exists at the neighbouring houses on either side of the appeal site which creates a uniform pattern of development that helps to define the character and appearance of the area.
8. The proposal would involve the introduction of a dormer bungalow which would be set in by only a small distance from the common boundary on either side. Due to its overall width and limited set in from the common boundaries on both sides and the overall building mass, the proposal would appear unduly cramped on the site. This would represent an over intensive form of development that would not respect the existing pattern of development and would undermine the existing spacious character.
9. Although the appellant has proposed satisfactory measures to protect trees that they have identified as being retained, the proposal would require the removal of several trees on the appeal site. Although individually their value is modest, collectively they create an important group that significantly adds to the verdant appearance of the appeal site and the loss of this group of trees would unacceptably harm the character and appearance of the area.
10. Further, the proposed development would involve the removal of part of the existing mature hedge that currently runs along the rear boundary of the appeal site to allow vehicular access to The Shrubberies. This would allow public views of the proposed development from this neighbouring road and would harmfully undermine the existing strong verdant boundary between this road and the KRCA.
11. The proposal would front onto The Shrubberies which comprises predominantly single storey dwellings on large plots. As pointed out by the appellant, some dwellings that now front this road appear to have been developed at the end of gardens of properties along Kenilworth Road. Many of these were permitted many years ago in the 1980s and given the passage of time, they no longer have the same relationship with the KRCA as the appeal site. As a result, the existence of these other examples does not justify harmful development at the appeal site.
12. I note that a proposal a couple of doors from the appeal site was permitted more recently. Notwithstanding that there are similarities, including the width and scale of the two schemes, overall, the circumstances of this other case appears materially different from the proposal before me. That proposal involved the demolition of an existing brick-built swimming pool building and its

replacement with a bungalow that aligned with an existing property next door. Further, based on the available evidence it does not appear to involve the removal of several trees that contribute to the character and appearance of the area. As a result, the existence of this other scheme does not alter my view that the proposal would unacceptably harm the character and appearance of the area.

13. I therefore conclude that the proposal would neither preserve or conserve the character and appearance of the Kenilworth Road Conservation Area and as a result, the proposal would not accord with Policies DE1, HE1, HE2 and GE4 of the CLP which amongst other things seek to ensure that development proposals respect and enhance their surroundings, conserve and enhance the conservation area and result in no unacceptable loss of existing trees. The proposal would also not comply with the National Planning Policy Framework which seeks to ensure development is sympathetic to local character.

Other Matters

14. I accept that the appeal site is located within an established residential area and would provide an additional house within the urban area to add to Coventry's housing supply. However, this matter is clearly outweighed by the harm the proposal would have on the character and appearance of the area. The appellant also points out there is no objection in terms of highways, ecology, or environmental protection. However, the absence of harm in these respects is a neutral factor that does not weigh in favour of the proposal.
15. The appellant points out that in order to create similar circumstances to the scheme that was more recently permitted by the Council where the removal of the swimming pool building was a factor, they could use their permitted development rights to construct an outbuilding at the appeal site. However, no information or detailed proposals have been provided about the intention to construct such a building. As a result, I am unable to find that there is a greater than theoretical possibility that the appellant would use their permitted development rights in this way. Consequently, I give this possibility limited weight in the determination of the appeal. I have considered this appeal on its own merits and this factor does not alter my view that the proposal would cause unacceptable harm at the appeal site.

Conclusion

16. For the reasons given above I conclude that the proposed development would conflict with the development plan taken as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with the development plan. Therefore, the appeal should be dismissed.

S Rawle

INSPECTOR