
Appeal Decision

Site visit made on 4 December 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/U4610/D/23/3330708

1 John Murphy Gardens, Coventry CV6 2PT

- 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 Robin Mathew against the decision of Coventry City Council.
 - The application Ref PL/2023/0000988/HHA, dated 16 May 2023, was refused by notice dated 21 July 2023.
 - The development is boundary wall at the front and side of the property (with a height of 90cm) replacing the existing metal railings. Pedestrian gate at the front of the property (with a height of 100cm) and electric gate (with a height of 100cm) on the driveway. Rendering the boundary wall, matching the existing external rendering colour of the house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision letter describes the development as retrospective. It is clear from the evidence provided and my site visit that the boundary wall had been erected abutting the back edge of the public footpath along the front and side of the site. I observed during my site visit that the blockwork boundary wall had been built, but not yet rendered and the electric gate had not been installed. I shall determine the appeal on this basis accordingly.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area and (ii) highway safety.

Reasons

Character and appearance

4. The appeal site relates to a two storey detached dwelling within a modern housing estate that occupies a prominent corner plot at the junction of John Murphy Gardens and Scots Lane. A matching detached property at No. 59 John Murphy Gardens is located on the opposite corner plot alongside the principal access into the housing estate.
5. As originally built, the appeal property and No. 59 John Murphy Gardens had matching low black metal railings set in front of a narrow garden and landscaped area along the front and side boundaries of the site. Where the

boundary railings exist in front of the adjacent properties along Scots Lane, these are low, clearly subsidiary, and have little impact upon the sense of openness and gives the area a strong unifying character and appearance.

6. The erection of the boundary wall results in a significant addition in this location. The boundary wall, together with the proposed electric gate across the existing shared open vehicular driveway, would create an awkward design and unsympathetic appearance when set against the distinctive low black railings and open vehicular driveways found at the adjacent properties. Such positioning, close to the back edge of the footpath, is out of character with the generally more modest boundary railings found in this location and compromises the attractive, verdant and open character when approaching the housing estate in this particular case.
7. These shortcomings would be exacerbated by the boundary wall's prominent position which is visible from a number of public vantage points along John Murphy Gardens and Scots Lane. The contrasting use of materials contribute to the overall scale of the boundary wall, giving it particular prominence in relation to its surroundings. I therefore consider that the development, by virtue of its scale, siting and design, results in an incongruous and out-of-keeping addition that adversely harms rather than positively contributes to the character and appearance of the area.
8. I have considered the appellant's arguments that the design and layout of the boundary wall has been carefully considered in order to minimise any adverse impacts on the area and is consistent with the Council's policies and guidance on boundary treatments set out in the Council's Supplementary Planning Guidance Document: Householder Design Guide 2023. However, whilst the boundary landscaping assists in integrating the development with the area, these aspects do not overcome the adverse effects outlined above.
9. Consequently, I conclude that the development has a harmful effect on the character and appearance of the area. It is contrary to the overall aims of Policies DE1 and H5 of the Coventry Local Plan 2017 and the Council's Supplementary Planning Guidance Document: Householder Design Guide 2023. These policies and guidance, amongst other things, seek to ensure that new development proposals to residential properties demonstrate a high quality design that respects and enhances the surrounding residential environment and positively contributes towards the local identity and character of an area.
10. In addition, the development does not accord with the National Planning Policy Framework (the Framework) that developments should seek to secure a high quality of design that are sympathetic to the local character (paragraph 130).

Highway safety

11. The boundary wall with low vegetation behind runs along the side boundary of the site and sits immediately next to the shared driveway with the adjacent property at No. 88 Scots Lane. The electric gate with a height of 1.0m would be positioned across one half of the existing vehicular shared driveway onto the public highway. The road in the vicinity of the access has a relatively straight and wide alignment with street lighting and footpath provision.
12. For this class of road, the Local Highway Authority recommends that the boundary treatment should not exceed 0.6m in height and a minimum

pedestrian visibility splay of 2.0m x 2.0m should be provided on either side of the accessway. The Local Highway Authority have objected as the development does not meet these requirements.

13. Paragraph 110 of the Framework states that decisions should take into account whether safe and suitable access to the site can be achieved for all users. Paragraph 111 of the Framework goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
14. From the evidence provided and from my observations on site, I consider that this section of Scots Lane is sufficiently safe and suitable to cater for the limited traffic movements from the appeal property. Due to the current configuration of the site and the proposed access arrangements, vehicles moving into and out of the site would be travelling and manoeuvring at low speeds. The current road conditions on the straight section of this residential road would allow sufficient visibility for vehicles to enter and leave the site safely and minimise any conflicts between traffic and cyclists or pedestrians.
15. Consequently, I conclude that the development does not have an adverse effect on highway safety. It is consistent with Policies AC3 and AC4 of the Coventry Local Plan 2017 which, amongst other things, require new development to have safe and convenient access to the highway network and vehicle parking. It would also accord with the Framework that seeks to ensure developments achieve safe and suitable access to the site for all users (paragraph 110), highway safety (paragraph 111) and create places which minimise the scope for conflicts between pedestrians, cyclists and vehicles (paragraph 112).

Other Matters

16. I note the appellant's willingness to reconsider the appeal scheme and accept a split decision or condition relating to the development. This, however, would result in a material change to the development before me. In any event, I am required to consider the appeal on the basis of the same details that were before the Council when it made its decision.
17. I note the appellant's desire is to improve security at the front of the appeal property due to some anti-social behaviour in the area and that the works were carried out under the proviso that it constituted permitted development. I have considerable sympathy for the appellant's circumstances. However, this does not set a precedent for such an inappropriate development in this location for the reasons set out above and as such are a material consideration to which I can attach only limited weight in making this decision.
18. I note the appellant's comments regarding the various benefits arising from the fence including the scheme's high quality design and the improvements to security. While I have given them some weight, these benefits would not be sufficient to outweigh the harm I have identified. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.

Conclusion

19. Notwithstanding my findings on the lack of adverse harm to highway safety, this is significantly outweighed by the harm found regarding the character and appearance of the area. The development conflicts with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR