



Appeal Decision

Site visit made on 18 February 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th March 2025

Appeal Ref: APP/U4610/W/24/3352480 366 Holyhead Road, Coventry, CV5 8LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Levi Swift of Swift Pave Ltd against the decision of Coventry City Council.
 - The application Ref is PL/2024/0001422/HHA.
 - The development proposed is dropped kerb for vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 with a further minor revision on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

3. The main issues are the effect of the proposed development on;
 - the character and appearance of the surrounding area, with particular regard to the adjacent street tree; and
 - the highway, with regards to highway safety and the delivery of a cycle superhighway.

Reasons

Character and appearance

4. The stretch of Holyhead Road that the appeal site is located on is a wide tree-lined avenue with an open and verdant character and appearance. Residential properties are set back behind generous grass verges, a few of which have footway crossings to enable vehicles to park directly in front of houses. On-street parking bays and electric vehicles charging points are located outside the appeal property. There is also a mature street tree and a street cabinet within the grass verge directly outside the appeal property.
5. The proposal involves the creation of a dropped kerb to Holyhead Road for the approximate length of the site's frontage. Whilst the original application form

indicates that no trees would need to be removed, the existing street tree sits in the middle of the width of the proposed dropped kerb between the house and road. As a result, it would need to be removed to implement the proposal. The tree forms part of a wider group of regularly spaced, mature street trees that line both sides of the road. These trees are of significant amenity value as they contribute positively to the verdant character and appearance of the surrounding area. The removal of the street tree would create a wide gap in the line of trees and have a material adverse effect on the verdant street scene.

6. For the above reasons, the proposed development would be harmful to the character and appearance of the surrounding area. This would conflict with Policy GE4 of the Coventry Local Plan 2017 (CLP), which requires that existing trees worthy of retention are sympathetically incorporated into the overall design of a scheme. The proposal would also conflict with the Framework, which seeks to ensure that development is sympathetic to local character.
7. I note that the appellant has suggested that they are happy to amend the length of the dropped kerb and work around the tree. However, I do not have those details in front of me and I am mindful that the appeal process should not be used to evolve a scheme to overcome the Council's reasons for refusal.
8. The appellant has submitted examples of existing dropped kerbs close to trees. I have little information relating to the particular circumstances of these, such as if they are historical dropped kerbs or if a tree survey had been undertaken. As such a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual merits.

Highway

9. This stretch of Holyhead Road is a single carriageway that carries a heavy volume of traffic to and from the city centre. There are a few existing footway crossings within the vicinity that would result in vehicles reversing onto the highway. During my visit, speeds and traffic levels did not appear excessive for a road of this nature.
10. The proposal would increase the number of properties with a facility to enable vehicles to reverse onto Holyhead Road. However, no substantive evidence has been provided in relation to the road, such as traffic flows and speeds, and any records of accidents where reversing onto the highway was found to have been a contributing factor. As a result, it has not been demonstrated that the proposal would increase the risk of collision with pedestrians, cyclists and other motorists.
11. In the absence of such evidence, in my judgement, a driver exercising the degree of caution that it is reasonable to expect when using the dropped kerb to reverse onto or off the carriageway would have sufficient view of oncoming highway users to avoid collision.
12. The proposal would reduce the current amount of delineated on-street parking provision on Holyhead Road. Whilst my site visit only represents a snapshot in time, there were spaces available on Holyhead Road and on nearby side streets. No evidence has been presented that the proposal would reduce the provision of on-street parking to such an extent that it would prejudice highway safety.

13. The Council intends to build a cycle superhighway along the length of Holyhead Road, which it advises is currently at a consultation stage. There are no details before me that the creation of an additional footway crossing, within the vicinity of other footway crossings, would prejudice its delivery. As such, I can only afford this matter limited weight against the appeal.
14. For the above reasons, I conclude that the proposal would not have an adverse impact on the safety of highway users or the delivery of a cycle superhighway. Accordingly, I find no conflict with Policies AC2 and AC4 of the CLP, which requires proposals to mitigate any negative impact on the safety of the highway network and supports the expansion of safe cycling networks.

Conclusion

15. The proposal conflicts with the development plan as a whole and the material considerations put forward in support of the proposed scheme do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

P Barton

INSPECTOR