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## Appeal Decision

Site visit made on 12 August 2025

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 15<sup>th</sup> August 2025**

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**Appeal Ref: APP/U4610/W/25/3364630**

**Land Adjacent To 5 Arbury Avenue, Coventry CV6 6FD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
  - The appeal is made by Mr Adil Sadiq (A & P Capital Limited) against the decision of Coventry City Council.
  - The application Ref is PL/2024/0002039/OUT.
  - The development proposed is partial demolition of existing derelict lock-up garages and creation of 9 No short-term let studio units.
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### Decision

1. The appeal is allowed and planning permission is granted for partial demolition of existing derelict lock-up garages and creation of 9 No short-term let studio units at land adjacent to 5 Arbury Avenue, Coventry CV6 6FD in accordance with the terms of the application, Ref PL/2024/0002039/OUT, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The appeal site address in the header and the decision above is taken from the appeal form. It is slightly different to that given on the application form but it more accurately describes the location of the appeal site.
3. The appeal seeks the grant of outline planning permission. Also, approval is sought for details of access, layout and scale. I have treated the details of appearance and landscaping as shown on the plans as being submitted for illustrative purposes.

### Main Issues

4. The main issues are (i) parking associated with the development and its effect on highway and pedestrian safety, and (ii) the effect of the development on living conditions at nearby residences having regard to outlook and noise.

### Reasons

#### *Parking.*

5. On my visit I saw the appeal site is currently vacant, overgrown and only the rear and side walls of the garages remain. I am informed the site has not been used for parking since 2019. The development would include parking for 5 cars and associated turning space.

6. Appendix 5 of the Coventry City Local Plan adopted 2017 (the LP) sets out parking standards. At paragraph 1.19 of appendix 5 it states the standards should be considered as a maximum and there may be occasions when a lower or higher level of parking is appropriate. A departure from the standards may be justified where supported by detailed evidence such as surveys of street parking.
7. The standards indicate 1 allocated parking space should be provided for every single bedroom dwelling as well as 1 unallocated parking space for every 5 dwellings. Therefore, the 5 spaces proposed would be below the maximum requirement of 10 spaces for a development of 9 units.
8. The Council has not sought to dispute the appellant's claim that the development is unlikely to be fully occupied at any one time as it would include short term let units. Furthermore, the site is within a short walking distance of bus stops on Foleshill Road and at Arena Park with access to bus services to many locations within Coventry. At Arena Park there is also a train station as well as retail and food and drink outlets. Therefore, residents of the proposal would not be reliant on car travel so suggesting a reduced demand for parking compared to a similar development in a less well-connected location. As such, I am satisfied that there will be times when the proposed 5 spaces would be sufficient to accommodate the parking demand generated by the development.
9. There are double yellow lines on both sides of the road directly outside the appeal site and on Foleshill Road. However, street parking is allowed at most times along nearby stretches of Arbury Avenue, although it is only allowed for permit holders during events at Coventry Arena. The appellant has carried out parking surveys that identified 14 free spaces along Arbury Avenue on a Monday evening and 7 free spaces on a Saturday night. There is criticism that a survey has not been carried out of local parking on a weekday night but I am taken to no policy or guidance that stipulates when parking surveys should be undertaken. In any event, the evidence indicates there would be scope for occupants of the proposed units to park on the nearby street should all the on-site spaces be taken.
10. All the cars I saw on Arbury Avenue were parked half on the pavement and half on the carriageway. Such parking reduces the amount of pavement for pedestrians to walk along. However, the pavements are quite wide and from my observations it seems the parking would not force pedestrians and those with pushchairs or wheelchairs into the carriageway. The proposal is likely to lead to only a minor increase in street parking and this would avoid any significant obstruction to the footways compared to the current situation.
11. Concern is raised that no visibility splays are indicated at the proposed access to the development. However, the width of the access and egress point would be similar to the existing situation. Drivers would have clear sight of pedestrians on the nearby pavement when leaving the development.
12. In summary, it is likely the level of proposed parking would generally be sufficient given the units would not be occupied permanently and the opportunities for visitors to travel to and from the site by means other than the private car. It is also likely that any parking demand that would not be addressed by the proposed spaces could be accommodated safely on Arbury Avenue. Therefore, I conclude the proposed parking facilities would be sufficient and that any parking associated with the development would avoid an unacceptable effect on highway and

pedestrian safety. In these respects, the development would accord with LP policies AC2 and AC3. Amongst other things, these refer to appendix 5 standards and look to ensure development does not cause highway safety problems.

*Living conditions at nearby residences.*

13. The remaining elements of the garages on the site are in a line, with the rear walls on the common boundary with properties that face onto Arbury Avenue. The proposed studio units would be in a similar layout and position. As such, the back of the buildings would be clearly seen from the rear of the adjoining residences.
14. The dwellings at 5 and 7 Arbury Avenue (Nos 5 and 7) have fairly short back gardens so the development would have an obvious effect on outlook from the rear of these properties. From the appeal submissions it would seem the garages had flat roofs and the proposed studio units would be taller and with dual pitched roofs. Even so, they would be single storey and of a height that would still allow views from the rear of Nos 5 and 7 of the sky above the ridgelines. Compared to the existing situation, the development would have an insignificant effect on outlook from all of the adjoining Arbury Avenue residences. Occupiers of these properties would still have acceptable living conditions.
15. The site also adjoins the back gardens to Foleshill Road dwellings. The development is bound to generate more activities on the site compared to the existing situation, including use of the proposed communal outdoor space next to the Foleshill Road properties. However, these would be domestic type activities that would be typical of the area and would not be excessively noisy or disruptive. There is no reason to assume occupiers of the development would generate unusually high levels of noise simply on the basis the proposal would provide short-term let residences.
16. For these reasons, I conclude the development would have an acceptable effect on living conditions at nearby dwellings having regard to issues of outlook and noise. In these respects, it would accord with LP policy DE1 and the requirement that development should respect its surroundings.

*Other concerns.*

17. I have had regard to other concerns raised to the proposal. Each of the units would be fairly small with limited internal space and no private garden. However, the development would not provide permanent residences but instead it would meet the accommodation needs for people looking to stay in the area for short periods. The Council has suggested a condition that would restrict occupancy in these respects. On this basis, the development would provide suitable living conditions. I am satisfied the scheme would not represent overdevelopment of the site given the nature of the proposed use.
18. Concern is raised that short-term let accommodation would undermine social cohesion. However, it would seem that most existing properties in the area provide permanent residences and so the proposal would have no meaningful effect on the character of the locality or on the togetherness of the local community.
19. There is no substantive evidence to indicate the proposal would have any ill-effects on local services or infrastructure. A bin store is shown on the proposed

site plan and this could be secured through the imposition of a planning condition. I am satisfied the proposal would include suitable facilities for the storage of refuse.

20. None of the above factors constitute reason to refuse planning permission. Accordingly, they do not affect my overall conclusion.

### **Conditions**

21. I have had regard to the planning conditions as suggested by the Council in light of the advice on conditions as set out in the National Planning Policy Framework. Where appropriate, I have made amendments in the interests of precision.
22. In the interests of clarity, I have attached a condition (no 4) that requires the access to the development, its scale and layout to accord with the submitted plan showing these details. There is no need for the condition to refer to drawings that show the existing layout of the site or any of the other supporting information.
23. Conditions 5, 6 and 7 are required to ensure the development deals appropriately with any ground contamination on the site. Condition 8 is included to ensure the development has an acceptable impact on air quality. A condition on refuse bin storage (no 9) is imposed to ensure waste from the use of the development is managed appropriately. A condition on parking (no 10) is needed in the interests of highway safety.
24. Condition 11 on the implementation of the approved landscaping details is imposed to ensure the development is of a satisfactory appearance. Also, the Council would be able to ensure the development leads to an increase in the biodiversity value of the site through the reserved matters process in respect of landscaping. As such, a separate condition that requires submission and approval of a landscape and ecological management plan is unnecessary. Condition 12 limits the occupancy and is required as the development would provide unsuitable living conditions for long term habitation.

### **Conclusion**

25. For the reasons given above, the appeal should be allowed.

*Jonathan Edwards*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) Details of the appearance and landscaping (hereafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.

- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted in terms of access, layout and scale shall be carried out in accordance with drawing no 305/AA/1 revision C.
- 5) No development shall commence until an assessment of the risks posed by any contamination (including gases and water quality) has been submitted to and approved in writing by the local planning authority. The assessment shall be undertaken by competent persons, shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11 and shall include:
  - i) a survey of the extent, scale and nature of contamination;
  - ii) the potential risks to:
    - human health;
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
    - adjoining land;
    - ground waters and surface waters;
    - ecological systems; and
    - archaeological sites and ancient monuments.
- 6) No development shall take place where, following the risk assessment required under condition 5, land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out and the development hereby permitted shall not become first occupied until a verification report by a suitably qualified contaminated land practitioner has been submitted to and approved in writing by the local planning authority.
- 7) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 8) Prior to the commencement of development, a package of measures to minimise the effect of the development on local air quality shall be submitted to and approved in writing by the local planning authority. The measures shall have consideration to:-
- (i) how dust emissions generated during construction are to be mitigated;
  - (ii) provision of electric vehicle charging points; and
  - (iii) use of low NOx emission boilers.

The approved dust emission measures shall be implemented during the demolition and construction works associated with the permitted development. The other approved measures shall be installed prior to the first occupation of the development and thereafter retained.

- 9) The development hereby permitted shall not be first occupied until the bin store as shown on the approved drawing has been provided and thereafter the bin store shall remain available for use at all times. All bins which serve the development shall be stored within the approved bin store and not positioned on the public highway, unless on bin collection days.
- 10) The development hereby permitted shall not be first occupied until the car parking spaces and turning space as shown on the approved drawing has been constructed or laid out and made available for use by the visitors to the development. Thereafter, those spaces shall be retained for parking and turning purposes at all time and shall not be removed or altered in any way.
- 11) The landscaping details approved under the requirements of condition no 1 shall be installed and implemented within 3 months of the first use or occupation of the development hereby permitted or in respect of planting within the first planting season following the first use or occupation. Any trees or shrubs removed, dying or becoming seriously damaged defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 -Code of Practice for General Landscape Operations.
- 12) The development shall only be used for short-term let studio units with occupants only staying at the development for no more than 90 days within each calendar year.