

Planning Committee Report	
Planning Ref:	FUL/2021/3371
Site:	86 Craven Street, Coventry
Ward:	Whoberley
Proposal:	Erection of a detached outbuilding
Case Officer:	Emma Spandley

SUMMARY

The application proposes the erection of a single storey detached outbuilding with a high-level window, on land that sits on the corner of Mount Street and Craven Street, within the Chapelfields Conservation Area. The site also contains tree, T1 which is protected by a Tree Preservation Order (TPO), Craven Street No.1. The tree is a White Lime.

The building will be used as a garden building, not as a detached dwelling nor for a trade or business.

The Chapelfields Conservation Area used to be covered by a Control Plan. All the Control Plans across the city have not been carried forward into the new plan as they are not consistent with the NPPF. Therefore, the Control Plan is not a material consideration.

BACKGROUND

HH/2020/1202 which was granted 30th October 2020 allowed the demolition of existing wall on Mount Street and erection of new Victorian old English garden wall, erection of Victorian railings and gate, making an enclosed garden for the residents of 107 Craven Street. This application has established the lawful use of the site as a garden.

KEY FACTS

Reason for report to committee:	5 Objections against the application and a call in from Councillor Bally Singh
Current use of site:	Residential Garden Area
Proposed use of site:	Residential Garden Area

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact the setting of the Conservation Area.
- The proposal will not adversely impact upon the TPO tree.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, HE1, HE2, DE1, GE3, GE4 and AC1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

APPLICATION PROPOSAL

HH/2020/1202 which was granted 30th October 2020 allowed the demolition of existing wall on Mount Street and erection of new Victorian old English garden wall, erection of Victorian railings and gate, making an enclosed garden for the residents of 107 Craven Street. This application has established the lawful use of the site as a garden for No.107 Craven Street.

The application proposes the erection of a detached outbuilding, on an existing slab of hardstanding, where historically a number of outbuildings have been located over the years, for the occupiers of No.107 Craven Street.

The outbuilding will be located seven metres from the pedestrian accessway that sits alongside No. 29 Mount Street. Currently there is a grassed section immediately adjacent to No.29 Mount Street, this will be retained. The building will be located on the existing hard standing area, which is the lower section of the land.

The outbuilding will measure 3.9m deep from the back of the footpath by 5.6m wide, spanning along Mount Street; 3m to the eaves and due to the sloping nature of the site, the maximum height adjacent to the pedestrian accessway that sits alongside No. 29 Mount Street will be 4.5m, decreasing, as the site traverses the Hill to the junction of Mount Street and Craven Street, to 4.3m.

The building elevation facing Mount Street will have a set of 'dummy' double doors, painted black and a single window. As the building faces into the site, it will have a gable front, with large, glazed doors to the ground floor and a single small window towards the apex of the gable. All other elevations are blank.

The building will be constructed from brick and tiles that match the surrounding properties.

The use of the building will be an ancillary outbuilding to be used for the storage of garden implements and associated paraphernalia associated with the use as the site as a garden for the residents of 107 Craven Street, who currently do not benefit from a garden area.

SITE DESCRIPTION

The site lies on the corner of the Craven Street and Mount Street within the Chapelfields Conservation Area. The site has commenced the previous permission for the boundary walls, as these are currently in the process of being built.

The site also contains a tree, T1 which is protected by a Tree Preservation Order (TPO), Craven Street No.1. The tree is a White Lime.

The Chapelfields area was developed in the late 1840's as an extension to the existing watch making areas of Earlsdon and Spon End. The buildings included workshops either built into the rear first floor or as rear 'tails'. The size of the dwellings depended on the status of the occupant as journeyman or employer.

Houses were built directly onto the streets or with a small front garden with the result that the area has a very 'urban' feel, relieved by a number of large trees. The Conservation area was designated in 1976.

A Control Plan was formed, which is no longer in use, to maintain and enhance the character of the area.

Paragraph 1.6 stated:

'Front garden boundaries should be brick walls between 0.76m and 1.21m in height using a brick in sympathy with the main house'.

Paragraph 4.4 stated:

"The land at the corner of Craven Street and the east side of Mount Street should be landscaped to complement the amenity of the area generally and enhance the setting of the TPO tree. No other development of the land will be permitted."

PLANNING HISTORY

There has been one previous planning application on this site which is relevant:

Application Number	Description of Development	Decision and Date
HH/2020/1202	Demolition of existing wall on Mount Street and erection of new Victorian old English garden wall, erection of Victorian railings and gate, making an enclosed garden for the residents of 107 Craven Street.	Granted 30 th October 2020

There have been a number of historic applications submitted by other owners of the land to develop the land for housing.

Application Number	Description of Development	Decision and Date
S/1963/0373	Development of land for residential purposes by the erection of 2-storey flats (outline)	Refused
S/1972/0457	Residential development for two maisonettes each with garage and parking space (outline)	Refused
S/1974/0889	Erection of house and garage (Outline)	Refused

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF, and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application are:

- Policy DS3: Sustainable Development Policy
- Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
- Policy GE4: Tree Protection
- Policy DE1 Ensuring High Quality Design
- Policy HE1: Conservation Areas
- Policy HE2: Conservation and Heritage Assets
- Policy AC1: Accessible Transport Network

Supplementary Planning Guidance/ Documents (SPG/ SPD):

- SPG Extending Your Home

CONSULTATION

No objections subject to conditions have been received from:

- Archaeology.
- Conservation.
- Ecology.
- Highways.

Immediate neighbours and local councillors have been notified; a site notice was posted on 20th January 2022. A press notice was displayed in the Coventry Telegraph on 25th November 2021.

Councillor Bally Singh has called in the application due to its impact on the setting of the Conservation Area.

7 letters of objection have been received, raising the following material planning considerations:

- a) Impact on the Conservation Area.
- b) Impact on the TPO tree.

21 letters of support have been received, raising the following material planning considerations:

- c) Sympathetic to the Conservation Area.
- d) Enhancement to the Conservation Area as used to be used for fly tipping.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- e) Potential use of the building.
- f) Need for the building.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, the impact upon the character of the Conservation area, adjacent heritage assets and the TPO tree, the impact upon neighbouring amenity and highway considerations.

Principal of development

NPPF paragraph No.7 states ‘the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.’

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10 & 11).

Impact upon heritage assets

“Section 66 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

The National Planning Policy Framework, paragraph 197 states the LPA should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

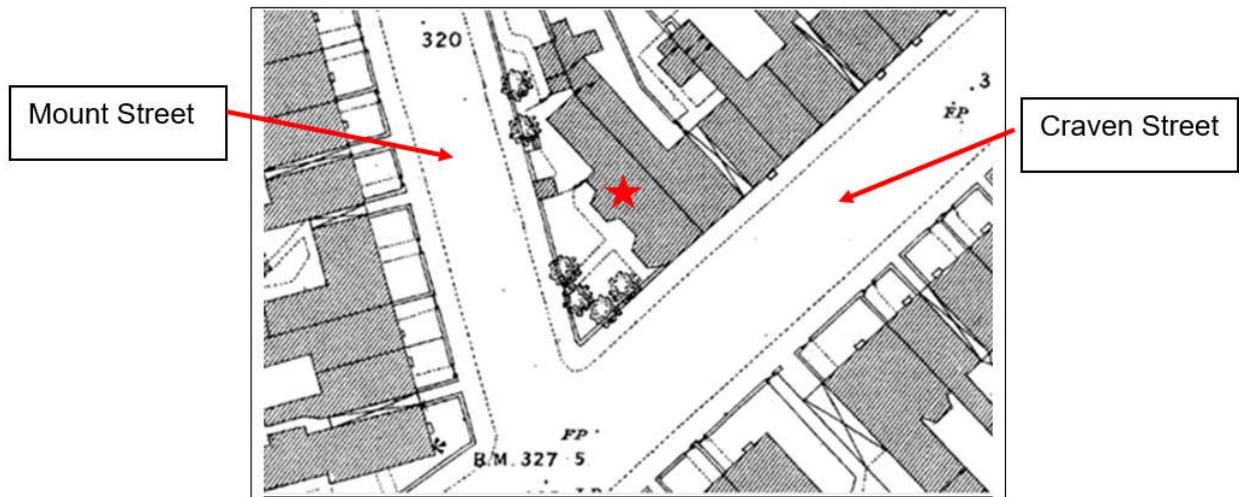
Paragraph 200 of the NPPF states Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy HE2 ‘Conservation and Heritage Assets’ which is relevant to Conservation Areas, states that in order to help sustain the historic character, sense of place, environmental quality and local distinctiveness of Coventry, development proposals will be supported where they conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of special historic, archaeological, architectural, artistic, landscape or townscape significance. Proposals likely to affect the significance of a heritage asset or its setting should demonstrate an understanding of such significance using currently available evidence. Development proposals involving heritage assets in general and listed buildings in particular, should

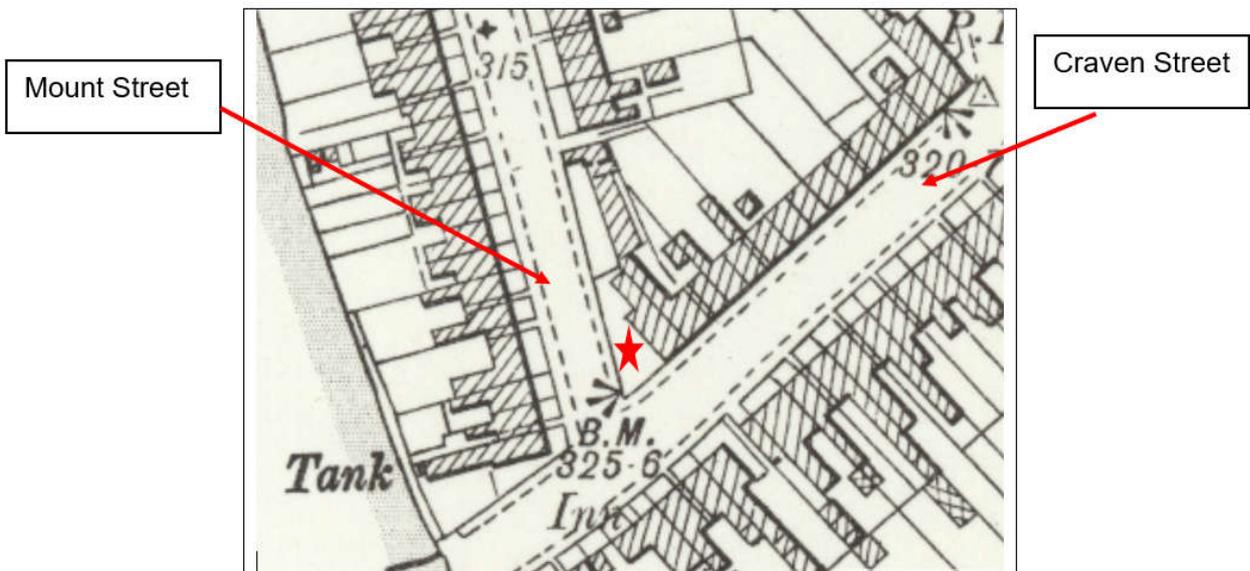
acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

The site is currently vacant open land and sits on the corner of Craven Street and Mount Street which lies within the Chapelfields Conservation Area.

From reviewing old maps, specifically, the Tithe map of 1849, extract below, red star highlights the site. It is apparent that a house was planned to be sited on the site, with the house and its bay windows facing west facing Mount Street



However, from checking the 1892 – 1914 OS map it shows a house is built but it faces Craven Street and continues the terrace, instead of facing Mount Street.



Further evidence has been found in the form of photographs taken by Ernest Ratledge who photographed several hundred streets in Coventry and Warwickshire around 1900*

One such photograph shows a large boundary wall and structures to the application site as depicted by the OS map 1892-1914.



Further evidence has been supplied which shows historically within more recent years, a double garage was sited in a similar position to the proposed outbuilding.



Applicants Photos

The objections are noted in regard to the design of the building, there are not many, if any examples of ancillary buildings within the immediate area.

This site is also an anomaly with the Chapelfields Conservation area, by being left open (assuming the original house was bombed during the Second World War), however, the precedent of in the surrounding streets is the corner houses have their rear gardens projecting along the road. On the corner of Lord Street and Craven Street is the Craven Arms, this benefits from a rear ancillary structures in the form of a smoking shelter.



The proposed 'coach house' is sited in the same location as a previous coach house and appears to be a similar size (see OS 1892 – 1914 map). There have also been historical outbuildings on the site. (see applicants' photo)

Therefore, the siting of an ancillary structure is therefore in line with the existing grain of development.

The design and materials proposed for use on the 'coach house' are of high quality and in keeping with the predominant style of the Conservation Area.

The applicant has already enhanced the site's appearance and neighbourhood by clearing it and is landscaping the area, in accordance with planning permission HH/2020/1202, which in time will make a very positive contribution to the appearance of the Conservation Area.

The development is considered to have a positive impact on the setting of the Conservation area and nearby heritage assets, and it can be argued that the structure and previous application, will make a positive contribution to local character and distinctiveness in accordance with (Sections 66(1) and 72(1) of the Planning (Listed

Buildings and Conservation Areas) Act 1990); paragraph 199 of the NPPF and Policy HE1 and DE1 of the Coventry Local Plan.

Trees

Paragraph 131 of the NPPF states Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined (Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 180 of the NPPF states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists.

Policy GE4 states that trees make a valuable contribution to the city's green landscape. New developments should seek to retain existing trees and other landscape features, incorporating them into a high-quality design and landscape proposals where possible. Should loss be unavoidable, compensatory provision of new trees should be proposed as part of a well-designed landscape scheme.

On the western boundary of the site, adjacent to Mount Street is tree, T1 which is protected by a Tree Preservation Order (TPO), Craven Street No.1. The tree is a White Lime.

As part of the application the Tree officer has been consulted. Furthermore, a complaint was received in early December 2020 from local residents regarding to the safeguarding of the TPO tree.

The Tree officer visited the site and noted that the previous sub-ground works were carried out in accordance with an arboriculturist's detailed report which was submitted in support of the previous application HH/2020/1202. However, it was noted at the time of the site visit that the membrane, which was laid over the tree's rooting system, even though it was of a porous nature; had a tendency to silt-up over time and reduce the product's porosity specification. It was confirmed that provisions for irrigation by making holes throughout the covered areas are to be made which will allow rainwater to ingress to the roots. The Tree officer found nothing else on the site which raised any further concerns with regards to the protection of the tree.

An amended plan titled 'Proposed Site Plan with TPO tree plotted - Drawing No.9056-012 Rev A' was submitted on 17th December 2021, which annotated the TPO tree on the proposed site plan, in order that the Root Protection Area (RPA) of the tree could be calculated to ensure that the foundations of the proposed building would not cause harm

to the TPO tree. Subject to a full Arboricultural Method Statement and Tree Protection Plan, the Tree officer has raised no objections to the application. Please condition No.4.

The application will therefore not have a negative impact on the life of the existing tree and is in accordance with Policy DS3 and GE4 of the Coventry Local Plan.

Existing neighbouring amenity

Policy DS3 is concerned with creating sustainable development, sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs.

All extensions are assessed against Policy DE1 of the CLP and the SPG titled 'Extending Your Home'. The 'Extending Your Home' (EYH) SPG.

The SPG states: a minimum 20m window to window separation distances is required; a minimum of 12 metres is required between the rear of one property and the side, blank gable of another property and extensions should not breach a 45-degree sightline taken from the middle of the nearest habitable room window from the neighbouring property, nor should extensions restrict light or outlook.

There will be no impact on No.29 Mount Street due to the location of the proposed outbuilding; No.84a Craven Street has a first-floor habitable room window located within the rear elevation at 8.8m from the front elevation of the proposed structure. However, the proposed structure is one and half storey and at a lower ground level than the existing house. Furthermore, the building is located to the north of No.84a.

Taking all of the above into account the proposal will not cause harm to the occupiers of the neighbouring residential houses through increased visual intrusion or loss of light. The application is in accordance with Policy DS3 and DE1 of the Coventry Local Plan and the 'Extending Your Home' (EYH) SPG.

Highway Issues

Policy AC1 of the CLP states that development proposals which are expected to generate additional trips on the transport network should:

- a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes.
- b) Consider the transport and accessibility needs of everyone living, working or visiting the city.
- c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form.
- d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

The proposal includes dummy doors to the street elevation with Mount Street. It is noted these doors could potentially open out onto the highway, which is considered unacceptable. Buildings used as a garage for the parking of a motor vehicle would require the doors opening inwards, and a sufficient gap for a car to wait off the highway whilst the garage doors were opened. However, as the doors are to be non-opening, the provision of the outbuilding to the back of the footpath is not objected to subject to a control requiring the reinstatement of the pathway by removing the vehicle crossing.

Please see condition No.5. The proposal will not cause harm to the free flow of traffic or pedestrian safety in accordance with Policy AC1 of the Coventry Local Plan.

Other Matters

Chapelfields Control Plan

With regards to the Chapelfields Control Plan. None of the Control Plans across the city have been carried forward into the new plan as they are not consistent with the NPPF. Notwithstanding the above, paragraph 4.4 of the former Control Plan stated:

'The land at the corner of Craven Street and the east side of Mount Street should be landscaped to complement the amenity of the area generally and enhance the setting of the TPO tree. No other development of the land will be permitted.'

Even if the Control Plan was a material consideration, the land that is currently landscaped is to be retained open and an amenity area for the residents of No.107 Craven Street, as approved under HH/2020/1202, it is still to be retained as open amenity land. The building is located on the existing hardstanding area which has had ancillary structures on it at some point in time, as mentioned above. Therefore, the spirit of the control plan is still retained.

Proposed Use

Concerns have been raised of the potential future use of the outbuilding due to its design with dummy doors leading out onto the street and high-level windows. The objectors are concerned that the building will become a small studio which could be rented out or be converted to a dwelling with garden in the future.

The residents' concerns over the future use or potential future use, are appreciated. However, the City Council as local planning authority has a statutory obligation to determine all applications submitted in accordance with the development plan and other material considerations (Section 70 TCPA 1990 provides that a local planning authority, when determining an application *'should have regard to the provisions for the development plan in so far as material to the application and to other material considerations'*).

This means the application has to be assessed as submitted, which is for an ancillary building for a residential garden. If at any point in the future the outbuilding is used otherwise in accordance with the conditions attached to any grant of planning permission, then enforcement action can be taken against the unauthorised use.

Therefore, subject to conditions restricting the use of the building for ancillary purposes in conjunction with the residential use of No.107 Craven Street and the restriction of the building not to be used for a trade or business the application is considered acceptable. Please condition No.6.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon the character of the Conservation area, adjacent heritage assets and the TPO tree, the impact upon neighbouring amenity and highway considerations. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, HE1, HE2, DE1, GE3, GE4 and AC1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan;
Site Block Plan - Drawing No.9056-01;
Proposed Site Plan with TPO tree plotted; proposed plans and elevations - Drawing No.9056-012 Rev A.

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. Prior to their incorporation into the development hereby permitted, details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

Reason: *To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 and HE2 of the Coventry Local Plan 2016.*

4. Before any development commences on site (including any demolition, site clearance or other preparatory works) the following shall be submitted to and approved in writing by the Local Planning Authority: a) a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the location and species of all trees within the site and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, crown overhang from the boundary, intrusion of the Root Protection Area etc), their trunk diameter at chest height, their root protection areas, crown spread to North, East, South and West aspects and measurement from trunk centres to tree protection fence; b) details of the temporary fence (eg Heras fencing and method to be anchored into the ground) to be superimposed upon the proposed layout plan; c) a statement to confirm that the approved tree protection measures will be erected to the Root Protection Area will be erected prior to the commencement of development and to remain in place to the end of the build phase.

The approved mitigation and / or protection measures shall be put into place prior to the commencement of any works and shall remain in place during all construction work.

Reason: To protect those trees which are of significant amenity value to the Conservation Area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3, GE4 and HE2 of the Coventry Local Plan 2016.

5. Before the development hereby permitted is first used the redundant existing vehicular access point onto Mount Street shall have been permanently closed and the footway reinstated, and any associated footway works completed in full accordance with full engineering details submitted to and approved in writing by the Local Planning Authority and thereafter shall be retained and shall not be removed or altered in any way.

Reason: *In the interests of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2016.*

6. The building hereby permitted to be erected shall be used only for a purpose incidental to the residential use of the application property 107 Craven Street and the building shall not be used as primary living accommodation or for the purpose of any trade or business.

Reason: To ensure that the outbuilding is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DS3 and DE1 of the Coventry Local Plan 2016.