

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2023/0002475/HHA
<b>Site:</b>	26 Glebefarm Grove, Coventry CV3 2NE
<b>Ward:</b>	Wyken
<b>Proposal:</b>	Erection of boundary wall (retrospective)
<b>Case Officer:</b>	Tom Cox

## SUMMARY

This application seeks retrospective planning permission for the erection of a boundary wall constructed with facing brickwork which abuts the shared boundary of no.25 and no.26 Glebefarm Grove who also have adjoining driveways. The proposed brickwork is 1.01m in height adjacent to the highway and extends from the front elevation of the dwelling house up to the boundary with the public footpath/highway, it is noted the height changes slightly due the changing ground levels. No other external alterations to the dwelling house are proposed as part of this application.

## BACKGROUND

The application site sits within a residential area to the west of Clifford Bridge Road, in the east of the city. It is a corner plot which occupies the junction of Glebefarm Grove and Fieldside Lane. The property does not benefit from permitted development rights, which were removed when permission was granted for the estate. The reason for removing these rights was: *'because of the standard of design and layout proposed it is considered important to ensure that development within the permitted Classes in question is not carried out in such a way as to lower the proposed visual appearance of the development.'* This should be considered in the assessment of this application.

This application is being considered before planning committee due to the relationship of the objector to members/employees within the council.

## KEY FACTS

<b>Reason for report to committee:</b>	Due to the relationship of the neighbour with employees and council members.
<b>Current use of site:</b>	Residential dwelling house (Use Class C3)
<b>Proposed use of site:</b>	Residential dwelling house (Use Class C3)
<b>Parking provision</b>	Unchanged for application site

## RECOMMENDATION

Planning Committee are recommended to refuse planning permission for the reasons set out within this report.

## REASON FOR DECISION

- The proposal will restrict visibility for occupants of both no.25 and no.26 Glebefarm Grove due to the height of the wall adjacent to the highway.
- The proposal adversely impacts on the character of the area which is characterised by open fronted approaches to houses, and such means of enclosure are not a feature along shared boundaries in the neighbourhood.

- The proposal is considered to contrary to Policies DE1, H5 and AC2 of the Coventry Local Plan 2016 together with the aims of Paragraph 135 of the NPPF by reason of its massing and siting within the street scene which is considered to diminish the established character of the area.

## **SITE DESCRIPTION**

The application property is a large semi-detached dwelling house located on a corner plot on the junction of Glebefarm Grove and Fieldside Lane. The property forms part of the Bridgeacre Gardens estate, to the west of Clifford Bridge Road in the Binley area of Coventry. The property has seen some alterations over the years including, most notably a historic dining room extension, to the rear of the property. It is also of note that a boundary wall has been erected on the opposite side of the site boundary, this does not form part of this application, and is considered to have been in place for such a time that it would be considered lawful and exempt from enforcement action.

## **APPLICATION PROPOSAL**

Under this application, the applicant is seeking retrospective permission to retain an existing boundary wall along the property’s boundary with no.25. The wall projects from the front elevation of the property up to the boundary with the highway. The height of the wall adjacent to the highway is 1.01m, however, this height increases slightly at points, due to the changing ground levels between the highway and the front elevation of the dwelling house. The maximum height is not considered to be greater than 1.2m at any point. No other external alterations are being considered under this application.

## **PLANNING HISTORY**

The following application are the most recent/relevant to this site:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
S/1977/0302	Erection of dining room   Historic Reference: G/C/32390	Granted: 16.03.1977
H/2001/4445	Development of land for residential purposes   Historic Reference: 23101	Granted 28.02.1968

## **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 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy H5: Managing Existing Housing Stock

Policy DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

## **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Coventry Connected

SPD Householder Design Guide

## **CONSULTATION**

Objections have been received from:

- Highways - the existing boundary wall obscures the visibility splays for both the subject property and the adjoining neighbour, whose boundary is adjacent to the position of the boundary wall.

## **Neighbour consultation**

Immediate neighbours have been notified, 1no. letters of objection have been received, raising the following material planning considerations:

- The proposed development is considered to be out of character with the area and impacts on the openness of the estate. The proposal sets an undesirable precedent in the area.

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

- The neighbour is a blue badge holder.
- The wall impedes access to the shared driveway meaning neighbours have to bump the kerb to access their driveway. There is also insufficient width if somebody parks in front of the neighbouring property for the occupants of the neighbouring dwelling house to access their drive.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are the principle of development, the impact upon visual amenity and highways implications. Consideration has also been had to the impact on neighbouring amenity.

### **Principle of development**

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

In this assessment it has been established that the subject property does not benefit from permitted development rights. As such, the erection of any wall or means of enclosure would require planning permission and as such, should be determined in accordance with

local and national planning policies. Within this assessment, reference should be made to the Householder Design Guide SPD. When referring to boundary treatments, it states:

- a) All boundary treatments visible from publicly accessible land should seek to positively contribute to the character of the street scene or locality.
- b) Boundary treatments more than 1.2m in height adjacent the highway will be discouraged.

Glebefarm Grove is predominantly characterised by semi-detached dwelling houses with shared driveways which contribute to an open street scene. Therefore, the construction of a wall across a shared boundary would not positively contribute to the character of the street scene and as such would not accord with the SPD. Any examples of boundary treatments for properties that historically shared a drive tend to be low level and therefore do not have a significant impact on the openness of the frontages that they separate. The proposal therefore disrupts the rhythm of the street and would be considered to set an undesirable precedent in an estate where there is already an established open character. This character has been retained since the erection of these dwelling houses and this is likely to have been a consideration in removing permitted development rights.

Given the established character, the height of 1.2m which may be permissible in other localities is not considered applicable. The development is not considered to respect the appearance of the surrounding area and detracts from its local identity and character. It would therefore be contrary to Policy DE1, as such, the principle of development is considered to be unacceptable due to the impact on visual amenity.

### **Highway considerations**

Policy AC2 states that proposals which are predicted to have a negative impact on the safety of the highway network should ensure that mitigate and manage highways safety problems.

In the assessment of this application, the local highways authority raised concerns about the impact on highways safety. This is because, the height of the wall would impede the visibility splays of both no.25 and no.26 Glebefarm Grove when exiting their driveways, to the severe detriment of highway safety. Due regard should also be given to the proximity to the junction with Fieldside Lane. This would therefore be contrary to Policy AC2 of the Local Plan. The need for appropriate levels of visibility from areas of off-street parking is reiterated in the Householder Design Guide SPD, which states: *'Highway visibility sightline requirements must be maintained'*.

The highways officer has stated that should the height of the wall section adjacent to the highway be reduced to 600mm, then they would remove this objection. Whilst this amendment has been suggested, it is not considered that overcoming this issue would make the development acceptable due to the issues concerning visual amenity.

### **Impact on neighbouring amenity**

It is noted that concerns have been raised about the impact on neighbouring amenity, as the occupants of no.25 Glebefarm Grove have stated that they do not have full use or ease of access to their driveway because of the construction of the boundary wall in this location. In pursuing this matter, the officer has sought to clarify whether there is an

existing right of access for the neighbour over the applicant's land by obtaining the relevant deeds for both properties. Unfortunately, this matter has not been clarified at the time of writing this report, and if any information is acquired which provides clarity, then this will be reported within late representations for the benefit of clarity to Members. However, it should be noted that this would not change the recommendation of the officer, as access over existing land is considered to be a civil matter between landowners which the Local Planning Authority has no jurisdiction over.

Whilst it is understood that the obstruction to the neighbour's access is an inconvenience, this matter could be resolved either by extending the length of the existing dropped kerb or extending the provision of hard surfacing. It is noted that the impacted neighbour (no.25), has installed some temporary slabs to the side of their drive as a temporary solution to mitigate any damage to their own front garden, which can be seen on the site photos. Given that this is not a classified highway, subject to full details it is possible that neither of these solutions would require planning permission. It is therefore considered that the impact on or inconvenience of the neighbour does not warrant refusal of the application in itself. This development has however been considered unacceptable for other reasons which have been detailed above.

### **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**

Having considered the retrospective permission sought, the existing boundary is considered to be detrimental to visual amenity, in an estate which has an established open frontage character. The proposal would also be contrary to highways safety due to the height of the wall impeding visibility splays of vehicles exiting the driveways at 25 and 26 Glebefarm Grove. The development would therefore not accord with Policies DE1, H5 and AC2 of the Coventry Local Plan 2016, and guidance laid out in the Householder Design Guide SPD and it is therefore recommended that planning permission is refused.

## CONDITIONS/REASON FOR REFUSAL

<b>1.</b>	The boundary wall, by reason of its scale and siting would unduly restrict the visibility splays of vehicle users exiting the existing driveways of no.25 and no.26 Glebefarm Grove onto the highway, in close proximity to the junction with Fieldside Lane, resulting in a significant degrading of the existing access to the detriment of highway safety. This would be contrary to Policies DE1 and AC2 of the Coventry Local Plan 2016 and guidance laid out in the Householder Design Guide Supplementary Planning Document.
<b>2.</b>	The boundary wall, by reason of its scale, siting and design forms an unduly prominent and incongruous feature in the street scene that encloses what was an open frontage to the dwellinghouse, detracting from the character and layout of the surrounding development, and causing serious harm to the visual amenities of the locality. The wall is therefore contrary to Policies DE1 and H5 of the Coventry Local Plan 2016; the Householder Design Guide Supplementary Planning Document - and Paragraph 135 of the NPPF 2023.