



Appeal Decision

Hearing held on 18 June 2025

Site visit made on 19 June 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2025

Appeal Ref: APP/U4610/W/25/3358774

Land at Anderton Road / Grange Road, Coventry CV6 6JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Prabdeep Singh (Hamlet Housing) against the decision of Coventry City Council.
 - The application Ref is PL/2023/0002286/OUTM.
 - The development proposed is described as “outline application, erection of 27 dwellings; all matters reserved except access”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site address in the header above is taken from the application form. I have added the post code from the Council’s decision notice for completeness.
3. This appeal seeks outline planning permission with all matters reserved apart from details of access. My assessment covers the submitted details of a proposed vehicular and pedestrian access off Grange Road. However, the appellant confirmed at the hearing that approval is not being sought for details of accessibility within the site and circulation routes. Therefore, I have treated the Indicative Site Layout plan as being provided for illustrative purposes.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council’s decision. The parties have had an opportunity to comment on the amended document during the appeal process.
5. At the hearing, the appellant’s representatives submitted a signed and dated unilateral undertaking pursuant to section 106 of the Act (the UU). I have had regard to this in the determination of the appeal.

Main Issues

6. The Council’s second refusal reason raises concerns over the effect of the proposal on highway safety. The main parties advise these objections have been fully addressed in light of additional information and drawings attached to a highways statement of common ground. I find no reason to disagree with the parties on this matter. Accordingly, the main issues are (i) whether the proposed residences would provide a satisfactory living environment having regard to the

effects of noise and noise mitigation measures, and (ii) the provision of affordable housing and contributions to mitigate the effects of the proposal on facilities.

Reasons

The appeal site, the proposal and the acoustic environment.

7. The appeal site is a largely open field that contains a tall pylon with overhead cables. Houses lie on Anderton Road and Grange Road opposite the site. An embankment along the entire north east boundary of the plot rises up steeply to a solid fence that is immediately adjacent to the busy M6 motorway.
8. The shape of the site and the location of the proposed access means it is likely the housing would be positioned along a street that runs across the site from Grange Road. Moreover, it is probable the dwellings and gardens would not be sited beneath the pylon or overhead cables and so they would tend to be towards the motorway side of the site. As such, it is likely the development would be laid out generally in accordance with the Indicative Layout Plan.
9. It is readily apparent that noise from traffic travelling along the M6 has a noticeable and relentless effect on the local area. The appellant's Acoustic Planning Report July 2024 (APR) describes noise surveys that have been carried out on the site. These indicate that ambient noise levels across the field are fairly constant and typically 61 dB during the day time and 57 dB during the night¹. These surveys were carried out when the barrier along the motorway was in place.

Planning policy and guidance on noise.

10. Policy DS3 of the Coventry City Council Local Plan December 2017 (the LP) looks for development to improve the social and environmental conditions in an area through increased health, wellbeing and quality of life. LP policy H3 looks for development to provide a suitable residential environment that is safe from excessive noise. These policies are consistent with the provisions of sub-paragraphs 135(f) and 187(e) and paragraph 198 of the Framework.
11. The noise section of the Planning Practice Guidance (the PPG) explains the need to consider whether it is likely development would be subject to a significant adverse noise effect². This requires identifying whether the overall effect of noise exposure would be above or below the significant observed adverse effect level (SOAEL). The PPG goes on to explain that effects do not have to be defined in terms of a single value of noise exposure but that other factors may be relevant³. In this case, a significant consideration is that the development would be constantly affected by traffic noise from the M6, both during the day and night.
12. The PPG refers to BS8233:2014 and the Professional Practice Guidance on Planning and Noise – New Residential Development (ProPG). As such, it is appropriate to refer to the guideline noise levels contained in these publications. I have also been referred to guidance in a document called "Possible Options for the Identification of SOAEL and LOAEL in Support of the NPSE". However, this attracts little weight in my assessment as it is not referred to in the PPG and its status and authority is unclear.

¹ Table 1 of the Hoare Lea Acoustic Planning Report 11 July 2024.

² Noise section of the Planning Practice Guidance Paragraph: 003 Reference ID: 30-003-20190722, Revision date: 22 07 2019

³ Noise section of the Planning Practice Guidance Paragraph: 004 Reference ID: 30-004-20190722 Revision date: 22 07 2019

External noise levels.

13. BS8233:2014 and ProPG both state the noise levels within external amenity areas of a development should ideally not be above the range of 50-55dB $L_{Aeq,16Hr}$. The typical daytime noise level across the site is 61dB and so above this range.
14. No attenuation measures are proposed to specifically reduce noise exposure levels to the external parts of the development. Moreover, the Indicative Site Layout Plan suggests that at least some garden areas would not benefit from any sound protection from the motorway due to the noise attenuation effects of the proposed buildings. As such, there is a significant risk that constant and fairly high levels of motorway noise would be heard in private outdoor spaces within the development. This would not only spoil residents' enjoyment of their properties but may also dissuade people from using their gardens.
15. Both BS8233:2014 and the ProPG recognise the stated guideline values for external spaces may not be achievable in all circumstances. Also, they advise that in higher noise areas such as those next to the strategic transport network, a compromise between elevated noise levels and other factors could be warranted. However, this guidance relates to situations where development might be desirable. The appeal site is located where future residents would have convenient access to nearby facilities and public transport links. However, it is not previously developed land and it is not allocated for development within the LP. As such, the development would not be so desirable in general terms so as to justify the high and constant levels of noise that would affect gardens.
16. The Indicative Layout Plan shows the provision of general open space to serve the development on the side of the site away from the motorway. This would provide residents with a convenient, alternative outdoor space to the gardens associated with the proposed dwellings. However, this would not be a private area and the information before me fails to show that it would provide a noise environment that is conducive to outdoor relaxation and recreation. Its amenity value would also be undermined by the presence of the pylon and overhead cables. As such, this public open space would not fully address nor override the unacceptable noise levels in the gardens.

Internal noise levels.

17. BS8233:2014 and ProPG set internal noise level guidelines of 35 dB $L_{Aeq,16Hr}$ during the day and 30 dB $L_{Aeq,8hr}$ during the night. The noise attenuation qualities of the buildings' structures would prevent external noise unduly affecting the inside of the houses. However, windows could provide a pathway for motorway noise to impact on the interior of the dwellings.
18. The appellant's evidence indicates that standard thermal double glazing would have sufficient sound reduction qualities to ensure all rooms in the dwellings would meet the internal noise targets when windows are shut. However, table 6 and 7 from the APR indicate that internal noise levels would be in excess of the referred to guidelines when windows are partially open for background ventilation and more fully open for the control of overheating. The internal noise levels would be higher for rooms with windows that face the motorway but they would also be above target levels on the facades of buildings that face away from the M6. As noise from the motorway is fairly constant, I envisage that windows in the dwellings would need to be kept shut most of the time to ensure acceptable internal noise levels.

19. Similar to the external noise level guidelines, BS8233:2014 and the ProPG allow the relaxation of internal noise levels when development is considered necessary or desirable. The development would add to the housing stock but the appellant has not sought to dispute the Council's claim that it is able to demonstrate in excess of 5 years' supply of housing land as required under the terms of the Framework. As such, there is no significant need for the development that justifies accepting internal noise levels above the referred to targets.
20. High performance trickle vents could be included within the proposed houses to provide background ventilation without the need to open windows. The APR suggests mechanical ventilation systems (MVS's) would also need to be provided as noise levels would be too high within bedrooms facing the M6 and when windows are open for cooling purposes.
21. Alternative means of ventilation is referred to in the PPG⁴ as a factor to consider when assessing whether noise could be a concern. However, it does not follow that the incorporation of MVS's would always be an appropriate solution to unacceptable internal noise effects. It would be reasonable to impose a condition that requires the provision of MVS's within the proposed dwellings but this would not be able to control how future residents use or maintain such systems. The appellant explains that there is no intention to provide sealed windows. Nonetheless, the external noise levels would be continuously high and so it is likely that occupants would feel the need to keep windows shut most of the time to provide an acceptable internal living environment. Even with MVS's in the dwellings, this situation would feel oppressive and would detract from residents' quality of life.
22. The PPG⁵ states that above the SOAEL, noise causes a material change in behaviour such as keeping windows closed for most of the time. The noise hierarchy table within the PPG refers to situations where there is no alternative ventilation, which would not be the case with this development. However, the incorporation of trickle vents and MVS's would not fully address nor justify the ill-effects on living conditions through motorway noise or the need to keep windows closed. Therefore, I find the development would be subject to SOAEL when considering the effects of noise on the internal spaces of the proposed houses.

Comparison with other residential development.

23. I am unconvinced from the evidence that residences in the surrounding area are all subject to similar noise levels compared to the appeal site. The front of housing on Rafferty Adams Way is affected by significant noise exposure from the M6 but the back gardens of these properties benefit from lower noise levels due to the screening effect of the houses. Also, it is unclear whether the noise effects of the motorway were the same when planning permission was granted for this housing compared to the existing situation. In any event, the existence of residences where noise has a harmful effect on living conditions does not justify allowing further housing where noise levels would be excessive and unacceptable.
24. I am referred to an appeal decision that allows residential development on land south of Sutton Stop on the other side of the M6 to the appeal site. Again, the

⁴ Noise section of the Planning Practice Guidance Paragraph: 006 Reference ID: 30-006-20190722. Revision date: 22 07 2019

⁵ Noise section of the Planning Practice Guidance, Paragraph: 005 Reference ID: 30-005-20190722, Revision date: 22 07 2019

information before me fails to show the proposed housing on this land would be subject to the same noise effects as the appeal development. As such, it would not be inconsistent with this previous decision to find the proposal would be subject to unacceptable noise effects.

Conclusion on noise issues.

25. For the above reasons, I conclude the development would be the subject of unacceptable noise effects. This acoustic environment and measures seeking to address excessive noise would lead to external and internal living conditions that would have a significant adverse effect on the health and quality of life for future occupants. In these regards, the development would be contrary to LP policies DS3 and H3 as well as the provisions of the Framework.

Affordable housing and contributions towards facilities.

26. Under LP policy H6, it is expected that 25% of the proposed dwellings would be affordable homes. Also, LP policy IM1 sets out an expectation that development contributes towards infrastructure to support associated needs. However, these policies allow a reduction in the provision of affordable housing and the level of contributions towards infrastructure where there are viability concerns.
27. The appellant's viability assessment demonstrates the development would be unviable if it were to include affordable housing and if contributions were made towards education, play space and travel measures as normally required by the Council. I have no reason to disagree with the conclusions of the viability assessment as they are not disputed by the Council. Therefore, the absence of any affordable housing within the development and planning obligations that require the contributions is acceptable. As such, I conclude there would be no conflict with LP policies H6 and IM1.
28. Despite the viability assessment, the UU requires a monetary contribution towards secondary school education provision within the area. The level of this contribution is below that initially requested by the Council but it allows for the viability issues with the scheme. The Council considers the contribution would be acceptable and so it is fair and reasonably related to the proposed development. Evidence shows local secondary school capacity is predicted to become stretched and so the contribution is necessary to help offset the education needs associated with the proposal. Therefore, I find the planning obligation included within the UU accords with the relevant tests as set out under paragraph 58 of the Framework.

Other factors and planning balance.

29. The harm I have identified in respect of the noise main issue means the development would not accord with the LP when read as a whole. It follows to consider whether other factors justify granting planning permission despite this conflict with planning policy.
30. The Council is able to demonstrate more than a 5 years' supply of housing land so the terms of paragraph 11(d) of the Framework do not apply. Nevertheless, the proposal would add to the housing stock and it would provide new dwellings where residents would have reasonable access by walking and cycling to services, public open space and public transport links. Also, the development is of a size that suggests it could be developed fairly quickly. The scheme would lead to the

generation of construction and associated employment and residents of the houses would support local businesses and facilities. The development would also lead to a minor enhancement to the biodiversity value of the site. These are all benefits that together add significant support for the proposal.

31. Allowing the appeal would promote a more effective use of land. However, paragraph 124 of the Framework only supports such development where it ensures safe and healthy living conditions. Also, sub-paragraphs 135(f) and 187(e) and paragraph 198 of the Framework promote places with a high standard of amenity for users and seek to avoid noise causing significant adverse impacts on health and the quality of life. With these provisions in mind, I attach very significant weight to the identified disadvantages of the proposal. Therefore, I find the benefits of the development are of insufficient weight to justify granting planning permission contrary to the LP.

Conclusion

32. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Piers Riley-Smith	Counsel from Kings Chambers, instructed by
John Jowitt	Director, PJ Planning
Adrian McCordick	Principal Acoustic Engineer, Hoare Lea.

FOR THE LOCAL PLANNING AUTHORITY:

Emma Spandley	Principal Planning Officer
Laurence Evans	Total Acoustics Limited

LIST OF DOCUMENTS SUBMITTED AT THE HEARING:

1. Extract from Total Acoustics Advisory Note.
2. Planning Statement Education Matters.
3. Unilateral Undertaking dated 18 June 2025.