
Appeal Decision

Site visit made on 5 September 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19th September 2016

Appeal Ref: APP/U4610/W/16/3152119
36 Cannon Hill Road, Coventry CV4 7DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Darshan Johal against the decision of Coventry City Council.
 - The application Ref FUL/2015/3420, dated 3 October 2015, was refused by notice dated 14 April 2016.
 - The development is the change of use from single dwelling (C3) to house in multiple occupation (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from single dwelling (C3) to house in multiple occupation (sui generis) at 36 Cannon Hill Road, Coventry CV4 7DE in accordance with the terms of the application ref, FUL/2015/3420, dated 3 October 2015 subject to the following conditions:
 - 1) The refuse storage area shown on drawing DA213937-1 shall be kept available for its intended purpose at all times.
 - 2) The building shall be occupied by no more than 8 residents at any time

Preliminary matter

2. The change of use has been implemented and therefore I have determined the appeal under S73A of the Act.

Main Issue

3. The main issue is the effect of the change of use on the character and appearance of the area.

Reasons

4. 36 Cannon Hill Road is a large detached house sited within a road of similar detached and semi-detached houses. The building includes three bedrooms, a living room, sitting room, kitchen and two shower rooms at ground floor level, with five bedrooms, a bathroom, and two ensuite bathrooms at first floor. The property was previously used as a dwelling house but has been used as a shared house for approximately 5 years.
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5. At the time of my site visit the area was generally well maintained and reflective of its sub-urban nature. Houses are set back well from the road incorporating space for parking to the front together with some planting creating an open spacious suburban character and appearance. On some properties I saw that bin storage was to the front of the house, generally consisting of four bins.
6. There was nothing to particularly differentiate No 36 from other properties on the road. It had six dustbins to the front rather than four but rubbish was contained in the bins and not overflowing. However I note that drawing ref DA213937-1 shows waste bins to be stored to the rear of the property and this could be secured by a suitably worded condition. Furthermore, a parking area is available to the front of the house as on other properties on the street.
7. It is acknowledged that poorly maintained HMO properties can detract from the quality of an area. However, this is also true of poorly maintained owner occupied and privately rented houses. I noted that the property had weeds in the front garden and that the front gate and pillar needed some attention. However generally the property was not in such a state as to be harmful to the overall character and appearance of the area.
8. I appreciate that the pattern of behaviour within a house in multiple accommodation would be different to that associated with a family house. However I am mindful that the property could be occupied by six people without the requirement for planning permission. I do not consider therefore that a further two people significantly alters the character of occupation.
9. Furthermore, I am not aware of any other such houses on the street and this is reinforced by comments from third parties. I do not consider therefore that by allowing this appeal there would be a cumulative impact on the character of the area caused by a number of HMO's.
10. For the reasons above I do not consider that the proposal would be harmful to the character and appearance of the area. It would therefore be in accordance with Policy H6 of the Coventry Development Plan 2001. This requires that proposals for the conversion of properties to multiple occupation are considered on the basis of the cumulative impact on the amenities and character of the surrounding area.

Other matters

11. In my experience, HMOs and especially those that are occupied by students can sometimes have a disruptive effect on a settled residential community because the lifestyle and interests of some tenants can differ to those of others. These problems can include noise and disturbance.
12. I have had regard to the decision on appeal ref APP/U4610/W/15/3039126 where the Inspector found that the use of a property for 8 people would cause noise and disturbance to a neighbouring property. However, in that case the appeal property was a semi-detached house and the Inspector's concern was for the residents in the attached property. In this instance No 36 is detached with a good distance between it and neighbouring properties. Furthermore I am aware that there has been no complaints made to Council's enforcement officers about noise from the property while it has been in use.

13. Therefore, in this instance, I am not persuaded that the additional noise and general disturbance experienced by local residents from the occupation by 8 people is necessarily greater than from a group of unrelated individuals occupying No 36 as a 6-bedroom HMO.
14. A small extension has been carried out to the former garage at the property, but there are no further extensions proposed. Given the size of the extension and its location away from surrounding properties I do not consider that privacy of surrounding residents has been compromised.
15. The issue of highway safety has also been raised and I have been supplied with correspondence from the highway authority at the time of a previous planning application to change No 36 to a 10 bed HMO where objections were raised due to the lack of on-site parking. As a result it was considered that on street parking would occur to the detriment of the safety of highway users.
16. The current occupation of the house is by 8 persons and a car parking layout has been submitted that demonstrates that six cars could be accommodated on site. In my view, the layout shows what appear to me to be a convoluted notional layout which is unlikely to operate effectively in practice.
17. I saw at my visit that in reality one space is available at the side of the premises and two vehicles can comfortably be accommodated directly in front of the premises. Further vehicles could theoretically be accommodated, but given the restricted manoeuvring area and the requirement to double park, drivers would in my view, be dissuaded from using it.
18. However, the Council confirms that the site is close to the University of Warwick and bus routes to the City Centre. I also saw that local services and facilities are in walking distance of the appeal site. I am therefore satisfied that it is likely that, even if the HMO were not occupied by students, a reasonable proportion of tenants will not need access to a car and advice in the National Planning Policy Framework (the Framework) is that encouragement should be given to solutions that support reductions in greenhouse gas emissions.
19. On-street parking is unrestricted and I have seen no evidence that it is under pressure. Furthermore within the vicinity of the appeal site there is good visibility and room for cars to pass parked cars without significant problem. I note the presence of the primary school further north of the appeal site. It is likely that the road will be busier therefore at drop off and pick up times. Nonetheless, this would only be for a short period of time each day during term time. Furthermore, even if on-street parking does occur as a result of the use of the appeal site as a HMO it is not likely to involve a considerable number of vehicles given the parking available on site and the accessible location of the appeal site.
20. Consequently, there is nothing before me to indicate that car ownership or vehicle use would therefore be necessarily greater than if the property were used as a dwelling house or, even if it did, that on-street parking problems would necessarily result. Moreover, no objections have been raised to the proposals the subject of this appeal by the highway authority.
21. Various third parties have raised the issue that if this appeal is allowed then a precedent could be set for other similar development in the street. However

any applications for other HMO's would have to be assessed on their merits, taking into account the relevant considerations specific to each property at that time. As a consequence, I am satisfied that my findings in relation to the character and appearance of the area will not set an undesirable precedent for future HMO's.

Conditions

22. I have had regard to the planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance and have made such amendments as necessary to comply with those documents.
23. The Council has requested a condition requiring that the development remain in accordance with the submitted drawings. However I consider a more useful condition would be one that restricts the number of residents of the HMO as also suggested by the Council. This is necessary as while I have found that 8 occupiers of the property would not be harmful any increase above this would need to be assessed against relevant policies of the development plan.
24. As concluded above a condition requiring the refuse storage area to be available at all times is also necessary to protect the character and appearance of the area.

Conclusion

25. In reaching these findings, I recognise that the proposal has attracted significant local opposition although the level of objection is not, in itself a reasonable ground for resisting development. To carry significant weight, opposition should be founded on valid planning reasons and supported by substantial evidence. Having taken into account the submitted representations at the application and appeal stages, and all evidence before me, I am not persuaded that the objections raised, taken individually or collectively, outweigh my findings in relation to the main issue. Consequently, having had regard to all other matters raised, I conclude that the appeal should be allowed.

Zoe Raygen

INSPECTOR