



Appeal Decision

Site visit made on 11 March 2019

by A. J. Boughton MA(IPSD), Dip.Arch, Dip.Conservation, RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/U4610/W/18/3216660

4 Thimbler Road, Coventry CV4 8FL

- 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 New Century Global Limited against the decision of Coventry City Council.
 - The application Ref FUL/2018/2258, dated 2 August 2018, was refused by notice dated 28 September 2018.
 - The development proposed is 'change of use to HMO with 7 bedrooms'.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use to HMO with 7 bedrooms at 4 Thimbler Road Coventry CV4 8FL in accordance with the terms of the application, Ref FUL/2018/2258, dated 2 August 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be maintained in accordance with the floor plans and site plan submitted with the application (unnumbered);
 - 2) The House in Multiple Occupation (HiMO) hereby approved shall not be occupied by more than 7 residents at any time;
 - 3) Bins must be stored within the bin storage area identified on the approved plans and not positioned elsewhere except on bin collection days.
 - 4) Unless within 4 months of the date of this decision a scheme for the secure covered cycle parking is submitted in writing to the local planning authority for approval and unless the scheme is implemented in full within 2 months of the local planning authority's approval; or in the alternative, if no scheme in accordance with this condition is approved within 6 months of the date of this decision, the use of the site as a 7 bedroom HiMO shall cease and all equipment and materials brought onto the land shall be removed until the scheme is approved and implemented in full.

The scheme thereby approved and implemented shall be retained in use thereafter.

Application for costs

2. An application for costs was made by New Century Global Limited against Coventry City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application here appealed was made subsequent to a refusal of an application (retrospective) ref FUL/2018/0488 for change of use of the dwelling to an 8-bedroom House in Multiple Occupation (HiMO), subsequently appealed¹, to which decision I have had regard. The description of development refers to 7 bedrooms but the drawings included in the application indicate a single bed in each and I have considered the matter on the basis that the proposal would be occupied accordingly.

Main Issue

4. The main issue is whether the proposed change of use represents over-intensification of the use of the property which would, in turn, cause detriment to the living conditions of the occupiers of neighbouring properties.

Reasons

5. No. 4 Thimbler Road is a two-storey extended semi-detached property set within a post-war² housing development. The estate layout is 'open plan' and dwellings do not have direct vehicular access to the dwellings. No works are proposed; the property has already been extended and plans provided show 7 bedrooms with study rooms and other communal facilities.
6. The Council state that the proposal would intensify the level of activity at the property compared to its use as a family dwelling, referring to increased 'comings and goings' and more intensive use of the internal communal areas and gardens. However, the proposal is to extend the existing use as an HiMO (use class C4) since 2016³, having an occupancy limit of 6 persons, by an additional bedroom.
7. Whilst the pattern of use of an HiMO differs from family use, that is not the current use⁴, and the occupation of an additional bedroom is unlikely to increase the level of activity at the dwelling (whether internally or in the outdoor amenity area) to a discernible degree. In any event a large single household could occupy the property as now extended and potentially generate significant levels of activity and noise.
8. I note a letter from the adjacent properties (2 & 6 Thimbler Road) stating that previous concerns as to noise issues have been addressed, also that the appellant has indicated management arrangements to bear down upon unneighbourly behaviour by residents in the future. Notwithstanding the Council's view that this is not enforceable by condition, I consider this indicative of a responsible approach to the management of the properties which stands in its favour.
9. The appellant has submitted a parking survey which aligns with my own observations as to the ample availability of kerbside parking near the appeal site. In addition, the location is well-served by public transport and within walking distance of shops that would meet many day-to-day needs.

¹ ref: APP/U4610/W/18/3213911

² Second World War

³ As stated in Appeal ref APP/U4610/W/3213911 paragraph 2

⁴ Which may be as permitted by Appeal ref APP/U4610/W/3213911 or as a 6-person small HMO

10. The Council refer to bin-storage being located at the front of the dwelling as having a detrimental effect on character and appearance; whatever that impact may be, it arises from the residential use of the property which cannot be discernibly different as a result of the marginal increase of occupancy proposed. A condition requiring the bins to be positioned together in an identified location close to the front elevation would reduce their visual impact.
11. Similarly, the enclosed garden means that cycle storage will require access through the property but that would be the same with the permitted 6 occupants if such were provided. That the provision can be required by condition (and thereby potentially support a reduction in the use of private cars) outweighs the disadvantage which would arise from its less than convenient location. In any event I note the Highway Authority have not objected to the proposal.
12. I therefore conclude that the proposal would accord with the requirements of Policy H11 of the Coventry Local Plan 2016 which seeks to protect the amenity of neighbouring residents, the appearance and character of the area and the living standards of future occupants from material harm. I further conclude that the proposal would accord with the objectives of the Framework in relation to achieving well-designed places.

Conditions and Conclusion

13. A condition identifying the drawing to which the permission relates is necessary for clarity. As my reasoning indicates, conditions in relation to the placing of bins and cycle storage are necessary to protect the appearance of the premises and support sustainable transport objectives. As an HiMO use is extant an implementation condition would be ineffective and I have therefore applied conditions requiring the use to cease in the event of the requirements for cycle storage not being complied with.
14. Consequently, for the reasons given, the appeal succeeds.

Andrew Boughton

INSPECTOR