
Appeal Decision

Site visit made on 1 October 2019 by Hannah Ellison BSc (Hons) MSc

Decision by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 12 November 2019

Appeal Ref: APP/U4610/W/19/3234063

1 Seagrave Road, Coventry, CV1 2AB

- 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 Rongguo Fan and Mrs Congwei Shi against the decision of Coventry City Council.
 - The application Ref: FUL/2019/1101, dated 1 May 2019, was refused by notice dated 3 July 2019.
 - The development proposed is the change of use of a 6-bed HMO into a 7-bed HMO, together with retention of boundary fencing and provision of parking spaces.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. At the time of site visit I observed that the boundary fencing and hardstanding to the rear garden have already been implemented. I have determined the appeal on this basis.
4. It is suggested that the formation of the rear parking area could have been carried out as 'permitted development'. This is not for me to determine in the context of a s78 appeal. There is no evidence that a Certificate of Lawful Development, which would confirm this, has been applied for or granted. I have therefore determined the appeal, which included the provision of the parking space, as submitted.

Main Issues

5. The main issues are the effect of the proposal on:
 - (i) the living conditions of neighbouring occupiers, with particular regard to noise and disturbance; and
 - (ii) the character and appearance of No.1 Seagrave Road and the wider area.

Reasons

Living conditions

6. The appeal site comprises a two-storey end terrace property, occupying a corner site on Seagrave Road close to the junction with Acacia Avenue. It is located within a predominantly residential area which is characterised by rows of terraced properties. The appeal property has previously been substantially extended to the side and rear and has been used as a House in Multiple Occupation (HMO) for up to six people for several years.
7. The Council has raised concerns that the addition of one person above the existing level of occupancy would lead to increased comings and goings thus harming the living conditions of neighbouring occupiers. Although there is no specific evidence before me, it is likely that an increase in the number of occupants would result in a corresponding increase in activity, albeit on a limited scale. Whilst in some cases, particularly where there is no associated operational development, such an increase may not be perceptible. However, in this case, it seems to me that the concern relates to the impact of the proposed additional off-street parking spaces and activity associated with their use.
8. The area of hardstanding to the rear covers a large expanse of the garden and provides space for two vehicles, in addition to the parking spaces at the front of the building. The comings and goings to the parking area are likely to generate noise from car doors, engines and voices. Taking into consideration the siting of the parking area adjacent to neighbouring gardens where residents could reasonably expect a degree of peace and quiet away from a road frontage, and at a high level and in close proximity to rear windows, this proposal would result in significantly more disturbance to neighbouring occupiers than as a result of the original parking arrangement, which I understand included provision of a single garage at the rear.
9. The appellant has drawn my attention to other instances where parking provision abuts the rear garden of a neighbouring property. However, those cases relate to the provision of a garage space, with limited areas of hardstanding abutting the road rather than the boundary with neighbouring properties. Accordingly, their impact on living conditions is not directly comparable with the proposal before me.
10. As such, in this regard, this proposal harms the living conditions of neighbouring occupiers and therefore conflicts with policy H11 of the Coventry Local Plan 2016 (the 'LP') which seeks to ensure, among other things, that proposals for the conversion of properties to large HMOs do not harm the amenities of occupiers of nearby properties.

Character and appearance

11. The area of hardstanding in this case covers a wide expanse of the original garden and does not include any elements of soft landscaping. Further, the garden provision beyond has been substantially reduced. In addition, the proposed hardstanding, which is built up above the ground floor level of the property and is fenced off to the side, dominates this part of the site and detracts from the visual appearance of No.1. Whilst the remaining garden area may be of a useable total size, the fact that it is of limited depth and is

bounded by high level fencing make it appear cramped in comparison to the gardens around other properties in the locality.

12. It is acknowledged that this part of the appeal site was originally occupied by a driveway and garage. However, as set out above, this proposal seeks to substantially increase the coverage of hardstanding. As it is readily apparent in the street scene, when viewed on its own or when occupied by vehicles, the area of hardstanding appears at odds with the wider locality. Whilst I acknowledge that rear parking space exists at some other properties, I disagree that what is proposed in this instance is a typical domestic arrangement. The extent of the parking area, its elevated position in relation to the dwelling, the manner in which it is fenced off and the lack of soft landscaping are not, in combination, characteristic features of back gardens in the locality.
13. Consequently, this proposal harms the character and appearance of the host dwelling and the wider area and therefore conflicts with policies DE1, H5 and H11 of the LP which collectively seek, amongst other things, to ensure proposals enhance their surroundings and do not harm the appearance or character of the area.

Other Matters

14. The appellant has referenced a number of appeal decisions in support of this proposal. However, the full details of each case have not been provided and I cannot be certain that they are directly comparable to the proposal before me, particularly in relation to the provision of parking space within the rear garden. In any event, I have determined this appeal on its own merits and have found it would cause harm as identified above.

Conclusion and Recommendation

15. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Susan Ashworth

INSPECTOR