



Appeal Decision

Site visit made on 19 November 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 December 2019

Appeal Ref: APP/U4610/W/19/3236040

189 and 191 Charter Avenue, Coventry CV4 8ER

- 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 Hussain - Cosmo Students Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2019/0232, dated 29 January 2019, was refused by notice dated 24 April 2019.
 - The development proposed was originally described as single storey rear, front and side extensions - 10 bed HMO sui generis.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have considered the appeal on the basis of the revised description on the Council's decision notice which is more accurate and states:

'Change of use of two dwelling houses (Use Class C3) to two 10 bedroomed (10 persons) Houses in Multiple Occupation (HIMO, sui generis)'
3. The above description and Policy H11 (Homes in Multiple Occupation (HIMOs)) of the Coventry City Council Local Plan (adopted 2017) (the LP) refer to Houses in Multiple Occupation at 'HIMOs'. In all other instances I have used the more commonly used abbreviation HMO.
4. I noted on my site visit that the site frontage was already laid out as a shared area. For the purposes of my assessment, the proposal is therefore partly retrospective.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether or not the proposal would give rise to inconvenience for road users on Charter Avenue arising from additional demand for on-street parking.

Reasons

Character and appearance

6. Charter Avenue is predominantly residential in character. Whilst many properties remain as single dwelling houses, it was apparent on my site visit that HMO uses were prevalent in the area, with a prominent student population. No 189 – 191 is a pair of semi-detached, two-storey, gable sided properties, recently extended and served by a shared hard-surfaced parking area to the frontage.
7. Policy H10 (Student Accommodation) of the LP encourages conversion of residential properties to student accommodation where amongst other things it is directly accessible from the universities, will not harm the amenities of occupiers of nearby properties and where they reflect and support or enhance the appearance and character of the area.
8. Policy H11 (Homes in Multiple Occupation (HiMO's)) of the LP states that the conversion of existing homes to large HMOs will not be permitted where amongst other things the proposal would materially harm the amenities of nearby properties (including the provision of suitable parking provisions) or where it would materially harm the appearance or character of an area.
9. The appeal properties already have planning permission for use as large HMO's for 7 residents in each case. The proposals would not result in changes to the external appearance of the buildings and the increase in internal activity would be unlikely to be perceptible from neighbouring properties or the wider area. In these particular respects the effect on the character and appearance of the area would be limited.
10. However, there would be a marked increase in the potential number of occupants across the two properties rising from 14 up to 20. This would put a particular strain on external areas to the site frontage. Even accounting for the fence to the front boundary that is currently in place, the combined parking area is visible within the street scene and emphasises that the properties are in communal use. The number of vehicles envisaged to be parked on this area, when at full capacity, would result in a tighter parking arrangement than was previously approved. The cumulative demand for parking from occupants and their visitors and the constraints of the parking facilities available, also has the potential to increase parking on the road and verges. These factors would draw greater attention to the more intensive use of the site and be detrimental to the character and appearance of the street scene.
11. The increase in occupants also has the potential to increase the amount of refuse produced and therefore bin storage requirements are likely to be greater. The proposed bin storage area to the rear of the buildings would not be particularly convenient factoring in the number of bins that would need to be moved back and forth on bin collection days. Furthermore, the number of individual tenants and likely turnover of occupants means that responsibilities for returning bins to the rear of the property between bin collection days would be unclear increasing the potential for bins to be left on the frontage. For the same reasons a condition requiring bins to be returned to the storage area would be difficult to enforce. This is a further indicator that the intensification of use would be likely to have a deteriorating impact on the character and appearance of the area.

12. The evidence before me suggests that the neighbouring pair of semi-detached properties at No 193 and 195 Charter Avenue also each have planning permission to be used as 8 person HMOs. An over-intensive use of the appeal site and any cumulative impact with neighbouring HMOs has the potential to increase the presence of HMOs to the detriment of the residential character of the area for the reasons I have already set out.
13. It has been brought to my attention that the Council has not controlled the conversion of other properties in the area, for example through an Article 4 Direction to prevent the conversion of dwellings in the area to smaller HMOs under permitted development rights. Whilst this is an option for the Council to consider if there are wider concerns in respect of the housing mix in the area, this does not detract from the harm that would be caused to the residential character of the area by virtue of the intensification of use proposed.
14. To conclude, the proposal would be over-intensive and would increase the prominence of the HMOs within the street scene to the detriment of the residential character and appearance of the area. Consequently, in that regard, the proposal would be contrary to Policies H10 and H11 of the LP and the National Planning Policy Framework (the Framework) which amongst other things requires that development adds to the overall quality of an area.

Whether or not the proposal would give rise to inconvenience for road users on Charter Avenue

15. Charter Avenue is a dual carriageway with wide verges and, other than at bus stops, parking on the road is generally unrestricted between the junctions with Mitchell Avenue and Hunt Terrace. The previous planning permission for 2 seven-person HMOs showed the provision of 3 parking spaces to the frontage of each property. The proposed parking arrangement indicates that the frontage would be shared to provide a total of 7 parking spaces to serve the increased number of occupants within the HMOs.
16. Policy AC3 (Demand Management) of the LP states amongst other things that car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5 of the LP. This applies a ratio of 0.75 spaces per bedroom meaning that a maximum of 15 parking spaces would be required for the 20 residents proposed. Whilst this is a maximum requirement, the 7 spaces proposed falls significantly short of this number.
17. The sub-text to Policy AC2 (Road Network) states amongst other things that the provision of car parking can influence the generation of traffic and the potential for congestion and that occurrences of inappropriate on-street parking can block access routes, footways and impact negatively on the street scene. It is reasonable to expect that the parking requirements set by Policy AC3 addresses such issues.
18. The appellant has produced 2 parking surveys contending that there is space for 25 vehicles on the road along Charter Avenue between the junctions with Mitchell Avenue and Hunt Terrace, that this space is generally not used for parking and that on this basis there is currently no parking stress. The Highway Authority contends that recently approved planning applications have resulted in additional demand of 78 vehicles meaning there is no additional capacity for any further on-street parking on this section of Charter Avenue. Noting the

contrasting picture presented by the parties, the likely availability of on street parking is inconclusive.

19. However, my own observations on site were that the constraints of the parking forecourt would be likely to inhibit manoeuvres to enable the accommodation of 7 vehicles within the site. The fence to the front boundary is a further limitation on the practicality of use of this area for the level of parking proposed. The constraints of the parking area would increase the potential for vehicles to be displaced onto the highway. It was also evident during my site visit that road users are reluctant to park on the road with the parking of vehicles more often taking place on the verges. This currently assists in maintaining the free flow of traffic. However, the verge areas are not in inexhaustible supply and there is the potential for more cars to be parked on the road once there is no space on the verges. Given the well-trafficked nature of the dual carriageway, I am not convinced that the additional demand for parking could be accommodated without an increase in parking on the road that would have the potential to result in inconvenience for road users on Charter Avenue.
20. My attention has been drawn to the part of Appendix 5 which states that in exceptional circumstances there may be occasions when it would be appropriate to have a lower or higher level of parking. I accept that the site is in a sustainable location with bus, cycle and walking routes providing convenient access to local shops and services, Warwick University and the City Centre. I also accept that, as student accommodation, not all occupants would necessarily have a car. Even so, I have nothing before me that would secure the accommodation for the use of students only, nor anything to suggest that there would be restrictions on car ownership for the occupants. There is also the potential for an increase in the number of tenants resulting in additional visitors who may have a vehicle. For these reasons, I am not convinced that exceptional circumstances exist to justify the significant shortfall in parking spaces for an increased number of occupants when assessed against the requirements in the LP.
21. The Council has referred to a controlled parking scheme which operates in the area, although no specific details have been provided. Given the lack of evidence before me in this respect, the existence or not of a controlled parking scheme has not influenced my conclusions on this main issue.
22. To conclude, the number of off-street parking spaces to be provided would be a significant shortfall and contrary to the requirements of Policy AC3 and Appendix 5 of the LP. Consequently, this would be likely to give rise to inconvenience for road users on Charter Avenue arising from the additional demand for on-street parking. The proposal would conflict with Paragraph 127 of the Framework which states that developments should function well and add to the overall quality of the area, not just for the short term but for the lifetime of the development.

Other matters

23. I recognise that the Council did not refuse the planning application on the grounds of the principal of student accommodation in this location, the room sizes provided for occupants nor design grounds in respect of the external appearance of the buildings. The delivery of student accommodation would also have economic and social benefits as a result of the close location to Warwick University and the potential expenditure of occupants in the local area.

However, any positive aspects of the proposal are relatively modest in scale and do not outweigh the harm identified under the main issues.

24. My attention has been drawn to other sites where planning permission has been granted for HMOs in the area. Limited evidence is before me in respect of these individual cases although it is notable that none of the examples were for HMOs which totalled as many occupants as those being considered in this appeal. In any case, I must consider the proposal before me on its own merits, taking into account the particular site constraints and number of occupants proposed.

Conclusion

25. For the reasons given, the appeal is dismissed.

M Russell

INSPECTOR