
Appeal Decision

Site visit made on 21 January 2020

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/U4610/W/19/3240816

14 Albany Road, Coventry, West Midlands CV5 6JQ

- 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 Jagjeevan Selopal against the decision of Coventry City Council.
 - The application Ref FUL/2018/2584, dated 27 August 2018, was refused by notice dated 13 May 2019.
 - The development proposed is the change of use from self contained flats to large 10 bedroom house of multiple occupation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit the change of use had already taken place. However, retrospective as referred to in the application form and decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the change of use from self contained flats to large 10 bedroom house of multiple occupation, which is reflected in my description of the development.

Main Issues

3. The main issues are the effect of the development on the living conditions of the occupants of neighbouring properties, with regard to noise and disturbance; the effect on highway safety; whether it would provide adequate living conditions for future occupants, with regard to outdoor amenity space; and, the effect on the character and appearance of the area.

Reasons

Living conditions

4. The appeal property is located within a row of similar properties. The appellant confirms that there are a number of HMO's along this stretch of the road, including 16, 17 and 19 Albany Road. However, the appellant also confirms that there are also a number of single occupancy properties in the form of self-contained flats, including 15 Albany Road, which adjoins the appeal property. I also noted during my site visit that there is a block of flats to the north east of the appeal property.

5. There is no evidence before me as to what the layout of the appeal property was prior to its recent change of use to a large house in multiple occupation (HMO). However, it is reasonable to conclude that there would have likely been fewer occupants than the 10 occupants the current property could accommodate.
6. As No 15 adjoins the appeal property the occupants of the flats within it would be particularly sensitive to noise generated by the occupants of the appeal property, particularly as it already adjoins an 8 bedroom HMO at No 16.
7. The proposal would result in a level of noise and disturbance, for example from people conversing inside/outside the property, multiple sources of music and televisions playing and doors frequently closing, which could be readily discernible from the adjoining flats at No 15 and, to a lesser extent, the flats to the north east. This level of noise and disturbance would likely be far greater than that generated by the occupants of a smaller number of self-contained flats and would have a significantly harmful affect on the living conditions of neighbouring properties in single occupancy. As No 15 already adjoins one HMO, the proposal would exacerbate the level of noise and disturbance currently experienced within the flats within this property to such an extent that it would be unduly harmful to their reasonable expectation of peacefulness within their home.
8. I find therefore that the proposal would significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance, contrary to Policy H11 of the Coventry Local Plan (the LP) 2016, which seeks to protect the amenities of occupiers of nearby properties. It would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Highway Safety

9. The appeal property has no off-street parking. This stretch of Albany Road has double yellow lines on the north west side and unrestricted parking on the south east side. The nearby side streets have resident permit parking/temporary parking. At the time of my site visit, at approximately midday on a weekday, the unrestricted parking on Albany Road and the restricted parking on the nearby streets of Bedford Street and Brunswick Road were in high demand with very few vacant spaces.
10. Appendix 5 of the LP sets out the Council's parking standards. It states that for HMOs there should be 0.75 car parking spaces per bedroom. The proposal does not include any off-street parking provision. The parking standards state that they are considered to be a maximum and that lower standards could be allowed subject to appropriate justification. However, the appellant has not provided any evidence to justify why no parking provision would be provided. Given the level of demand for on-street parking in the locality, and without any justification for not providing any off-street parking, the proposal would likely increase the demand for on-street parking, which would likely lead to inconsiderate parking, for example, in the event that there are no spaces available, drivers could double park, park on double yellow lines or park on the pavement. Such parking could result in an unacceptable risk of conflict with other drivers or pedestrians to the detriment of highway safety.

11. I find therefore that the proposal would be significantly harmful to highway safety, contrary to Policies H3, H11, AC2 and AC3 of the LP, which seek to ensure that new development provides adequate parking provision and does not have a detrimental effect on highway safety. It would also fail to accord with the design objectives of the Framework.

Living conditions of future occupants

12. The drawings submitted with the proposal indicate that there would be cycle storage within the rear yard of the property. However, the details submitted are very limited. There is no indication of how large the cycle storage area would be or precisely where it would be located.
13. Given the limited size of the rear yard, I share the Council's concerns that without further details regarding the cycle storage there is the potential that it could be of a size that would significantly reduce the size of outdoor amenity space available to the occupants, to the detriment of their living conditions.
14. I find therefore that, in the absence of sufficient evidence to indicate otherwise, the proposal would not provide adequate living conditions, with regard to outdoor amenity space, for its future occupants, contrary to Policy H11 of the LP, which seeks to protect the amenity value and living standards of future occupants of the property, having specific regard to internal space and garden/amenity space. It would also fail to accord with the design objectives of the Framework.

Character and appearance

15. The appeal site is located within a predominantly residential area. Although there is a wide range of property designs and sizes, properties have open frontages that embrace the streetscene and make a positive contribution to this very urban, tight development.
16. The appeal property is a two and a half storey, end terrace set within a row of similar properties. These properties have small front yards enclosed by a low wall. At the time of my site visit, many of these properties had their refuse containers stored within this front yard area, which were clearly visible from the public domain.
17. The Council's Houses in Multiple Occupation Supplementary Planning Guidance (SPG) states that adequate provision shall be made for the storage of refuse containers in such positions where they are not readily visible from the public highway or public areas. The drawings submitted with the proposal indicate that bin storage would be to the front of the property, which would be contrary to the SPG. However, refuse containers stored within the front yard area of properties is a common feature within the locality, including this terrace row. Consequently, the proposed refuse container storage arrangement would be in keeping with the area and therefore would not have any unacceptably harmful effect on its character or appearance.
18. I find therefore that the proposal would not significantly harm the character and appearance of the area. As such, it would comply with Policies DE1 and H11 of the LP, in that it would protect the appearance and character of the area. Whilst there would be a minor conflict with the SPG, I do not consider that this outweighs the general compliance it would have with the relevant development plan policies, to which I attribute greater weight.

Other Matters

19. I acknowledge that there are a number of other HMOs in the immediate vicinity. However, the details before me regarding the planning history of these properties is very limited and there is no evidence of the Council's consideration of any planning permissions for these. Therefore, I cannot be certain that the circumstances of these properties are sufficiently similar to the appeal property to weigh in the proposal's favour. In any event, I have determined the appeal on its own individual merits.

Conclusion

20. The proposal would not have any significantly harmful effect with regard to the character and appearance of the area. However, this is a neutral effect and does not outweigh the significant harm as a result of the effect on the living conditions of the occupants of neighbouring residential properties, highway safety and the inadequate living conditions for future occupants.

21. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR