The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2020

Appeal Ref: APP/U4610/W/19/3241025
Old Crown Inn, 89 Windmill Road, Coventry CV6 7AT

- 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 P Akhter - Future Properties 4 U Limited against the decision of Coventry City Council.
- The application Ref FUL/2019/1781, dated 5 July 2019, was refused by notice dated 25 October 2019.
- The development proposed is two storey rear extension and loft conversion to create 8 No additional HMO rooms.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Akhter against Coventry City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposal would provide suitable living conditions for occupants of the House in Multiple Occupation (HMO) with particular regard to adequacy of space, outlook, light and ventilation.

Reasons

4. The additional bedrooms would range in size between 13 square metres (sq m) and 17.9 sq m and each room would be provided with its own en-suite facilities. The rooms would exceed the minimum bedroom size of 10 sq m for a 1 person bedroom where there is a shared kitchen as set out in the Coventry City Council Guidance for Houses in Multiple Occupation (2016) (HMO Guidance).

5. The 2 bedrooms that would be located within the roof space would both be served by 2 rooflight windows. The rooflight windows would be set at a relatively low position within the roof slopes. Suitable levels of ventilation could be ensured through a requirement for these windows to be maintained as openable at all times. Taking these factors into account, I am satisfied that all the proposed bedrooms would could provide adequate levels of space, outlook, light and ventilation.

6. However, Policy H11 (Homes in Multiple Occupation) of the Coventry Local Plan 2016 (2017) (the LP) states amongst other things that development of HMOs will not be permitted where proposals would materially harm the amenity value and living standards of future occupants of the property, having specific regard

to internal space and garden/amenity space. Policy H3 (Provision of New Housing) of the LP requires amongst other things that new residential development must provide a high quality residential environment. Having regard to the development plan policies, consideration must therefore be given to the overall living standards for occupants of the HMO.

7. The main internal communal space that would serve the extended building would be a single kitchen with dining space located at basement level. The additional 8 bedrooms proposed would take the total number of bedrooms within the HMO to 20 and would create additional demand for use of this communal space. Furthermore, whilst existing residents already need to negotiate stairs between the kitchen facilities and their bedrooms, occupants of the bedrooms in the loft space would need to travel further and negotiate 3 flights of stairs to access the kitchen facilities. There would be an increased likelihood that occupants would be required to carry hot food and drink long distances to their rooms in instances where the dining space is already being used by other residents.

8. I have not been provided with the floorspace for the kitchen. The minimum size requirements for a kitchen in the HMO Guidance only considers situations up to 16+ residents. I am mindful that this is only guidance and is not a development plan document. It would not be reasonable to conclude that once a HMO exceeds 16 residents that an unlimited number of rooms and residents could be expected to have the same communal space requirements. Even if the basement kitchen meets the size requirement in the HMO Guidance, it would appear to be constrained for the number of residents proposed and not convenient for all occupants. I am therefore not persuaded by the evidence before me that the proposal would provide a high quality residential environment which would meet the needs of the increased number of occupants. Consequently, it has not been demonstrated that suitable living conditions would be provided for occupants of the HMO.

9. The outdoor communal area would be of a similar size to that previously granted planning permission. The policies that I have been provided with do not specify minimum space requirements for outdoor space serving HMOs. The increase in the number of residents has the potential to put additional strain on the use of this outdoor space. Having regard to the close proximity of Longford Park, this particular matter would not on its own, warrant refusal of the appeal. However, it further highlights the intensive nature of the proposal.

10. To conclude, the proposal would not provide suitable living conditions for occupants of the HMO with particular regard to the provision of kitchen and dining space. Consequently, in that regard, the proposal would be contrary to Policies H3 and H11 of the LP. The development would also conflict with Paragraph 127 of the National Planning Policy Framework which amongst other things states that decisions should ensure that developments provide a high standard of amenity for existing and future users.

Conclusion

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

M Russell

INSPECTOR