
Appeal Decision

Site visit made on 10 March 2020

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 16 March 2020

Appeal Ref: APP/U4610/W/19/3243161

48 St George's Road, Coventry CV1 2DL

- 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 Abdul Nathani against the decision of Coventry City Council.
 - The application Ref: FUL/2019/2485, dated 22 September 2019, was refused by notice dated 18 November 2019.
 - The development proposed is the change of use to a 7 bedroomed, 7 person house in multiple occupation (HMO) (sui generis).
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Preliminary Matter

1. The planning application form describes the proposal as being for a HMO for 8 persons. This was changed during the course of the application and prior to the decision of the Council. I am considering the appeal as described on the appeal form and above.

Decision

2. The appeal is allowed and planning permission is granted for the change of use to a 7 bedroomed, 7 person house in multiple occupation (HMO) (sui generis) at 48 St George's Road, Coventry CV1 2DL in accordance with the terms of the application, Ref: FUL/2019/2485, dated 22 September 2019, subject to the conditions set out at the end of this decision.

Main Issue

3. The main issues in the appeal are:
 - (a) The effect of the proposed development on the living conditions of neighbouring occupiers;
 - (b) Whether the proposal would have an unacceptable impact on car parking provision;
 - (c) Whether there is adequate scope for the provision of cycle and waste storage.

Living Conditions

4. The Council fairly acknowledges in its representations that it does not currently have grounds to dispute that the alterations to the property have been carried out in accordance with the appropriate permitted development regulations, and this is borne out by information from the Appellant. As such it is also acknowledged that the property could legitimately be used as a HMO with 6

bedrooms and 6 people. The Appellant's agent confirms that the property is currently being fitted out on that basis and this therefore forms the 'fallback' position. As such this case turns on the differences between a HMO with 6 people and a HMO with 7 people.

5. It is apparent to me from my site visit that a significant proportion of local properties are used as HMOs. That is evident simply from the number and format of letting boards advertising accommodation. I can well understand that this would be a popular location given its reported proximity to the nearby university both on foot and by cycle.
6. The difference between a property accommodating 6 people and one accommodating 7 people seems to me to be relatively insignificant. A single extra person would be unlikely to create unacceptable impacts. So the fallback position is significant in that I am satisfied that come what may 6 people will be residing at the property. One extra person is unlikely to make any material difference in terms of noticeable comings and goings or disturbance to nearby occupiers. There may be an occasional extra visitor, or a few extra arrivals and departures over the course of a week, but this would be likely to have no discernible impact so far as current nearby residents are concerned. The Council's environmental protection officer also has no objections to this proposal. On this issue, therefore, I do not consider that there would be material harm to the amenities of occupiers of nearby properties. As such there is no conflict with Local Plan¹ Policy H11, 1a) and I note here that there is no suggestion of conflict with subsections 1b) and 1c) of that policy.

Car Parking

7. A car parking survey has been submitted on behalf of the Appellant which suggests that parking spaces are available on the street during the period between 1800 and 0800. At other times a residents' permit scheme applies. My own daytime observations found many available spaces.
8. It cannot be known how many residents would enjoy the use of a car, but any who wished to do so would require a permit to park on the street during the day, but not overnight. I am mindful of the information submitted on behalf of the Appellant and I have no substantive information which runs counter to it. It seems to me that even were there to be a high percentage of car ownership at the property, and bearing in mind the likelihood of 6 occupants in any event, the development would be unlikely to make any material difference to parking availability in this location. I note that the highway authority had no objections to this proposal.
9. In the light of the above I am satisfied that the proposed development would not result in any unacceptably harmful impact on local car parking provision.

Cycle and Waste Storage

10. The Appellant has produced a plan which suggests how the property could support cycle and bin storage within the rear amenity space. This plan was not part of the submission on which the Council made its decision. Whilst I note that the Appellant is keen for me to accept this plan as an amendment to the proposal I decline to do so. It has not been subject to consultation, and however minor it may seem, there is the possibility that someone may be prejudiced by its provisions. I therefore deal with the proposal as submitted.

¹ City Of Coventry Local Plan

11. The information on the additional plan relates to a situation which envisages the use of a rear access way. It seems apparent from my site visit that this is unlikely to have been regularly used to date, and indeed there is no evidence before me to suggest that it would be used in the future. In the absence of some reassurance of the ability and intention to initiate and continue the use of the rear access way it seem to me that it is possible that bins would be kept at the front of the property, occupying the small front garden or the street as happens now with other premises. I have similar concerns in relation to cycle storage facilities. The rear access way would only be attractive to cycle users if it could be relied upon to be available and convenient.
12. However, as suggested in the list of conditions which might be imposed if planning permission were to be granted, it would be possible to impose a condition requiring these matters to be addressed prior to occupation of the property. In such circumstances my concerns would fall away and the necessary provision could be ensured. Whilst I realise that it would be difficult to enforce the use of the rear access, the provision of the facility in a manner which would be convenient and attractive to residents, would encourage its use. If a scheme is designed to achieve these objectives then this would accord with Local Plan Policy AC4.

Other Matters

13. As the property would be unaltered externally there is no question that the proposal would be in conflict with Local Plan Policy DE1 in relation to design or the impact on the appearance of the area. Similarly the extra person in residence would not affect the character of the locality so that conflict with Policy DE1 would be avoided in this respect. Given the representations submitted I am also content that the living standards of future occupants of the property would be such that no conflict with Local Plan Policy H11, 1d) would ensue.

Conclusion

14. Taking all of the above matters together I am satisfied that there would be no unacceptable harm to the living conditions of neighbouring occupiers, no harm to parking provision and, subject to appropriate conditions, no harm to facilities for cycle and waste storage. There is no conflict with the development plan and the appeal can be allowed.

Conditions

15. Apart from conditions dealing with cycle and waste storage it is necessary to specify the approved drawing in order to ensure an acceptable development (in this case the relevant drawing is that numbered 18/017/P05 Revision B, which includes the location plan). For the same reason it is necessary to limit the number of residents.
16. I have too little information to justify the necessity for the suggested condition relating to boilers which might be installed, and as there are no material external alterations proposed a condition relating to external materials is also unnecessary.

Overall Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan:
18/017/PO5 Revision B.
- 3) The House in Multiple Occupation hereby permitted shall not be occupied by more than 7 residents at any time.
- 4) The development hereby permitted shall not be first occupied until a scheme for the provision of cycle parking facilities which has suitable and convenient access from the rear access way has been submitted to and approved in writing by the local planning authority. Such approved facilities shall be made available prior to any occupation of the buildings and shall be so retained.
- 5) The development hereby permitted shall not be first occupied until a scheme for the provision of bin storage facilities which has suitable and convenient access from the rear access way has been submitted to and approved in writing by the local planning authority. Such approved facilities shall be made available prior to any occupation of the buildings and shall be so retained.

Philip Major

INSPECTOR