



Appeal Decision

Site visit made on 7 July 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2020

Appeal Ref: APP/U4610/W/20/3249438

15 Cloud Green, Coventry CV4 7DL

- 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 Wayne Zhang against the decision of Coventry City Council.
 - The application Ref FUL/2019/1849, dated 15 July 2019, was refused by notice dated 3 December 2019.
 - The development proposed is double storey rear and side extension and conversion to house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for two-storey side and single storey rear extension and conversion to house in multiple occupation for 7 people at 15 Cloud Green, Coventry CV4 7DL in accordance with the terms of the application, Ref FUL/2019/1849, dated 15 July 2019, and the plan submitted with it, subject to the following conditions.
 - 1) The development hereby permitted shall begin not 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 drawing: 8125-03-C - Existing and Proposed details.
 - 3) The use hereby approved shall not commence until a secure covered cycle shelter and a designated bin storage area have been provided and made available for use in accordance with details to be submitted to and approved in writing by the local planning authority. Thereafter, those facilities shall remain available for use at all times.
 - 4) No facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building.
 - 5) The House in Multiple Occupation (HMO) hereby permitted shall be occupied by no more than 7 residents at any time.
 - 6) Any gas boilers or combined heat and power systems serving the development must meet a dry NO_x emissions rate of 40mg/kWh.

Preliminary matter

2. In the interests of precision and accuracy, I have amended the description of the proposed development for the purposes of my Decision.

Main Issue

3. The main issue is whether the proposal represents an over intensification of the use of the property which would, in turn, cause detriment to the living conditions of the occupiers of neighbouring properties and future occupants.

Reasons

4. The proposed scheme seeks to extend the appeal property, which is a semi-detached dwelling located at the end of a small cul-de-sac (Cloud Green) and use it as a House in Multiple Occupation (HMO) for up to 7 occupants.
5. Policy H11 of the Coventry Local Plan 2016 (LP) specifically deals with Houses in Multiple Occupancy. It seeks to prevent material harm to the amenities of nearby properties (including the provision of suitable parking provisions); and secure good living standards of future occupants of the property, having specific regard to internal and amenity space.
6. In this case the main parties agree that with the benefit of permitted development the appeal property could be occupied by up to 6 residents¹ ('the fallback'). Therefore, whilst the pattern of use of an HMO differs from family use, the occupation of an additional bedroom is unlikely to increase the level of activity at the dwelling (whether internally or in the outdoor amenity area) to a discernible degree. In particular, a large single household could occupy the property as extended and potentially generate significant levels of activity and noise.
7. There are allegations of the increase in taxis and noise of students shouting in the area late at night/early morning. Nonetheless, properties along Cloud Green are arranged with their parking areas and vehicular access from the back. Therefore, the frontages of these properties are only accessible by foot, which limits the effects of activity associated with vehicle movements to and from the appeal property. Furthermore, the supporting text to Policy H11 of the LP seeks to monitor concentrations of HMO to ensure any adverse impacts are managed and combated. Despite this, there is no substantive evidence to support these allegations. Most notably, the Council's Environmental Protection team has raised no objection to the proposal.
8. I have not been referred to any specific internal and external space requirements for a HMO. Therefore, I have considered these on their merits. The proposed accommodation would comprise 3 bedrooms at ground floor level with a further 4 at first floor. All these bedrooms are sizeable enough to incorporate a desk and en-suite facilities. These, along with the communal kitchen and lounge area, which has a logical and practical layout would provide adequate internal space for up to 7 occupants.
9. The rear garden measures about 60m² which would be accessible and available to its future occupants, and is of an appropriate size to accommodate seating, storage and drying out areas. Therefore, overall, the property would provide sufficient space to meet the needs of its future occupants. In reaching this conclusion, I am mindful that in a HMO, the routines of individuals are likely to vary. As such, it is unlikely that all the residents would be using communal areas together at any given time.

¹ Within Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended)

10. Based on the overall size of the plot associated with the appeal property, there would appear to be sufficient space to accommodate a bin storage area and cycle parking, the exact details of these could be secured by a condition if the appeal were to succeed.
11. The Council has confirmed that the proposal generates a maximum requirement for 6 parking spaces. Although only two on-site parking spaces are available for the use of the property, the appeal site is near to bus stops and within reasonable walking distance of the Science Park, Warwick University and the Cannon Park Shopping Centre, which includes a number of shops and facilities, including buses to and from the City Centre. Therefore, a range of shops and facilities to meet the day to day needs of future residents are accessible by walking, cycling and public transport. As such, the appeal site is in a sustainable location. Consequently, it is likely that a high proportion of future tenants, particularly students would not need access to a car, which would further limit demand for car parking spaces.
12. Additionally, the appellant has provided a parking survey which demonstrates the availability of on-street parking nearby. Drawing on these factors, the shortfall in parking spaces for the proposal is unlikely to inconvenience existing residents.
13. For the above reasons, the proposal does not represent an over intensification of the use of the property and would not harm the living conditions of the occupiers of neighbouring properties or its future occupants. As such, the proposal is not in conflict with LP Policies H11 and DE1, which seeks to secure high quality developments. Accordingly, I also find no conflict with similar aims of the National Planning Policy Framework ('the Framework').

Other Matters

14. Concerns in respect of the scale of the proposed extensions and the effects of these on the character and appearance of the area and the living conditions of neighbours were addressed in detail in the Council's Planning Committee Report. I have also considered these matters and on the evidence before me, I have no strong reasons to reach any different conclusions. Also, there is no clear technical evidence before me to suggest that 7 individuals occupying the property raises any significant health concerns.
15. The appellant's submissions include appeal decisions in respect of other HMO proposals. Nevertheless, the type of properties and layouts in those appeals are different to that associated with the scheme before me and are therefore not directly comparable. In any event, I have determined the appeal before me on its individual merits.
16. Applications for other similar proposals would have to be assessed on their merits, having regard to the relevant considerations specific to each property at that time. As such, my findings in relation to this appeal would not set a precedent for future proposals.
17. There is some local concern over the number of dwellings being occupied by non-Council Tax paying residents and increased costs to the Council, for example, those associated with waste collection. However, I have no substantive evidence before me in respect of this. In particular, I have not been made aware of any such issues by the Council. Based on the foregoing

reasons, I am also not persuaded that the use associated with the proposal would individually or cumulatively affect the character of the area.

Conditions

18. I have taken account of the recommended conditions in the Council's Planning Committee Report. Having regard to the tests in the Framework and the advice in the Planning Practice Guidance, in addition to the standard timescale condition, I have imposed a condition specifying the relevant plan as this provides certainty. To ensure the satisfactory appearance of the development it is necessary to include a condition requiring the proposed external materials to match the existing.
19. A condition requiring details of secure and covered cycle storage facilities is necessary to promote sustainable means of travel. This condition also requires details of the refuse/recycling storage area, which is required to protect the character and appearance of the area.
20. A requirement that any gas boilers or combined heat and power systems serving the development meet a specific NO_x (Nitrogen Oxide) emissions rate is necessary to promote the use of low carbon, renewable and energy efficient technologies, in accordance with Policy DS3 of the LP.
21. A restriction on the number of residents occupying the property is necessary, as while I have found that 7 occupiers of the property would not be harmful, any increase above this would need to be assessed against relevant policies of the development plan. With respect to the appellant's suggested condition for the submission of a Student Management Plan, based on my findings on the main issue, I have no clear reason for imposing this.

Conclusion

22. For the above reasons, I conclude that the appeal should be allowed.

M Aqbal
INSPECTOR