



Appeal Decision

Site visit made on 21 July 2020

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/U4610/W/20/3250174 104 Charter Avenue, Coventry CV4 8EB

- 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 Mrs Annie Zhang against the decision of Coventry City Council.
 - The application Ref FUL/2019/0494, dated 25 February 2019, was refused by notice dated 16 December 2019.
 - The development proposed is change of use of residential property (use class C3) to student accommodation comprising of 9 bedrooms (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of a residential property (use class C3) to student accommodation comprising 9 bedrooms (sui generis) at 104 Charter Avenue, Coventry CV4 8EB in accordance with the terms of application reference FUL/2019/0494, dated 25 February 2019 subject to the attached conditions.

Preliminary Matter

2. The Council originally gave 2 reasons for refusal. On the basis of the information submitted as part of the appeal the Council has confirmed that it considers the reason for refusal regarding refuse bin storage provision to be overcome. This is because the storage can be provided at the rear of the property. I have no reason to disagree with the evidence submitted and so have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers with regards noise and disturbance.

Reasons

4. The appeal site is a 2 storey semi detached dwelling located in a residential area. It is currently occupied as a 9 person house in multiple occupation. The application is therefore retrospective and I have determined the appeal on this basis.
5. The development has created a more intensive use of the building. However, whilst there is a kitchen on each floor, the communal areas are located away from the adjoining wall of the neighbouring property. The party wall shares

bedrooms and ensuite bathrooms with the neighbour. The layout is therefore no different to what would be expected from a single dwelling.

6. Based on the evidence before me, I do not consider that the occupation of the building by 9 residents results in a significant increase in noise or disturbance for the occupiers of neighbouring residential properties due to additional comings and goings at different times of the day and other activities associated with the operation of separate households.
7. The patterns of behaviour of the occupants of the dwelling are likely to be different to those of families. However, as the development is small in scale, it would not cause material harm to neighbouring properties in terms of the enjoyment of their home and garden through noise and disturbance, despite the property not being a detached house in a large plot.
8. The development does not have a significantly adverse effect on the living conditions of neighbouring residential properties and therefore does not conflict with the part of Policy H10 of the Coventry Local Plan 2016 (Local Plan) which encourages the conversion of residential properties to student accommodation where amongst other things it would not materially harm the amenities of occupiers of nearby properties. There is also no conflict with the part of Policy H11 of the Local Plan which does not support the conversion of properties to houses in multiple occupation where there would be material harm to the occupiers of nearby properties. Whilst Policy H3 and Policy H5 are referred to in the Decision notice, the Council has confirmed that they are not relevant to the scheme.

Other Matters

9. Interested parties have raised car parking concerns and the Council has identified that the scheme causes car parking inconvenience to neighbouring occupiers. However, the appellant has demonstrated through a car parking survey that there is adequate provision which I witnessed at the time of my site visit, appreciating that this represents only a snapshot in time. I note that the Highways Authority did not raise objection to the scheme and I am of the view that if an extended family occupied the property, it is possible there would be a similar level of car ownership at the site. On this basis there is little to indicate that the development adds significantly to local car parking pressure.
10. Both parties have made reference to other cases to support their position. However, each case is determined on its own merits and my assessment has been based on the information before me.

Conclusion and Conditions

11. For the reasons identified and having regard to all other matters, the appeal is allowed, subject to necessary planning conditions.
12. In attaching conditions I am mindful of paragraph 55 of the National Planning Policy Framework which states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis and have made modifications where necessary in the interests of clarity.

13. I have imposed a condition specifying the relevant drawings as this provides certainty. A car parking condition is necessary to secure the provision of off street car parking in the interests of pedestrian and highway safety and a cycle parking condition is necessary to promote the use of alternative modes of transport. A condition relating to refuse and recycling is necessary to avoid adverse impact on the living conditions of surrounding properties. Also, in the interests of safeguarding the living conditions of the occupiers of neighbouring residential properties, a condition is necessary limiting the occupancy of the property to no more than 9 people at any one time.

K Ford

INSPECTOR

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plan: 8000/04/A.
2. Within 4 months of the date of this decision the vehicular hardstanding shall be provided in accordance with details, which shall include a properly consolidated (to prevent tracking onto the highway causing a skid risk) and permeable surface with drainage run-off to be directed away from the footway/ highway to be approved in writing by the Local Planning Authority. Within 2 months of the Local Planning Authority's approval the scheme shall be implemented in full and the vehicular hardstanding area shall not be used for any other purpose than the parking of vehicles.
3. The cycle parking facilities shall be provided in full accordance with the approved details and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
4. Within 4 months of the date of this decision a scheme for the refuse bin storage shall be submitted in writing to the local planning authority for approval and within 2 months of the local planning authority's approval the scheme shall be implemented in full and retained and maintained thereafter.
5. The house in multiple occupation hereby permitted shall be occupied by no more than 9 residents at any time.