
Appeal Decision

Site visit made on 24 November 2020

by J P Longmuir BA (Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/U4610/W/20/3257307

5 Blackthorn Close, Coventry CV4 7DQ

- 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 Yiu Keung Kwok against the decision of Coventry City Council.
 - The application Ref FUL/2020/0093, dated 14 January 2020, was refused by notice dated 20 April 2020.
 - The development proposed is the conversion to 5 residential units comprising of 1 flat, 3 studios and 1 cluster flat (comprises 3 bedrooms).
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Decision

1. The appeal is dismissed.
2. The description of development above is taken from the appeal form which tallies with that on the decision notice. The appellant's statement indicates the proposal is retrospective.

Main Issue

3. The effects of the proposal on Blackthorn Close in terms of character, intensity of use and the potential for any noise/disturbance to adjacent residents.

Reasons

4. The appeal site is within a suburb on the edge of Coventry and 1.4 miles away from the Warwick University campus. A large superstore and other retail facilities provide facilities to the locality.
5. Blackthorn Close (the Close) is a well-established residential area. The houses are set back but face on to the road. The houses are slightly larger than average size and No 5 is one the largest, occupying a middle position within the cul-de-sac, with its own drive. The Close has some parking restrictions.
6. The immediate location does not provide comprehensive facilities. I have not been provided with details of bus timetables but note that the main services are not on the doorstep. Whilst only 7.8% of students may drive to the university (and a further 1.8% as passengers), this site would be unlikely to lend itself to walking. The occupants would be likely to have significant car dependency. The car parking survey submitted with the planning application concluded that the proposal would intensify parking demand.
7. The Close is overlooked by the large windows from its component dwellings across their largely open front gardens. Consequently, movements of the

- occupants and visitors would be apparent to the neighbouring residents. The proposal would increase car movements which would be likely to cause intrusion and disturbance to the residents which could happen at any time day or night. Indeed, the drive to no 5 has limited on site manoeuvring and the ongoing re-arrangement of parked cars would also be likely.
8. The increase in movements would harm the tranquillity of the area and undermine the quietness which would be expected within a suburban cul-de-sac. The parked cars would have a presence on the Close leading to the visible concentration of activity. The Close has been designed as individual houses around an inwardly looking and close-knit cul-de-sac. The style of architecture, its form and suburban location are elements of individual occupancy rather than more intensive units.
 9. A large extended family could generate significant disturbance but that would not be likely to be comparable with the extent of this proposal due to the number of units. Similarly, 6 residents could be in occupation as an HMO, but that parameter is set to allow some flexibility of the use whilst providing a limit to the potential for significant noise/disturbance; that level is set at a point and any more would increase the significant effects.
 10. The appeal property could be limited to 7 occupants by condition and a Management Plan could also be required. I acknowledge that no noise complaints have been made and it is also suggested that the likely occupants would be university students or professionals, but disturbance such as a car starting could be unintentional. Whilst the property could be conditioned to limit the permanent occupation to 7, this would not stop visitors.
 11. The appeal property has a large rear garden; however this would be shared between the different occupants of the 5 units and their mixing would have the potential to generate more noise than lesser households.
 12. I am advised that 8 and 10 Blackthorn Close are in HMO use. Some additional movements could be tolerated and accepted, but more widespread activity would undermine the character of the Close and lead to more frequent disturbance. I note that there have been other appeal decisions in Coventry which are supportive of such development. However, I have not been provided with comprehensive details, and in any event, they do not seem to be comparable to this site being within suburban location on a small inwardly looking cul-de-sac, distanced from a through road.
 13. The proposal would provide accommodation which would support the university and help meet a need, however this would not outweigh the above impacts.
 14. I therefore conclude that the proposal would lead to significant noise/disturbance to adjacent residents and harm the character of Blackthorn Close.
 15. Policy H3 of the Coventry City Local Plan for new dwellings seeks high quality residential environments and free of noise, whilst Policy H5 on existing housing stock seeks enhancement of the surrounding residential environment. Policy DE1 requires respect for the existing context. The proposal would be in conflict with these policies.

Conclusion

16. I therefore conclude that the appeal should be dismissed.

John Longmuir

INSPECTOR