



Appeal Decision

Site Visit made on 31 March 2021

by Mr Samuel Watson BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/U4610/W/20/3262973

8 St Anns Road, Coventry CV2 4EH

- 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 Kelly Oxtoby against the decision of Coventry City Council.
 - The application Ref FUL/2019/3146, dated 18 December 2019, was refused by notice dated 6 July 2020.
 - The development is the proposed change of use from 2no flats to 5no flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development also includes the erection of a single storey rear extension. The Council deal with the proposal on this basis and so shall I.

Main Issues

3. The main issues in this case are:
 - whether the proposal would give rise, or add to, a local over-provision of House in Multiple Occupation (HMO) accommodation and, if so, its effect on the character and appearance of the area;
 - the proposal's effect on the living conditions of neighbouring occupiers;
 - whether, with regard to the siting, design and scale of the proposed single storey rear extension, the proposal would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to the provision of external amenity space, and also resultant outlook; and
 - the effect of the proposal on highway safety, with particular regard to on-street parking and the degree of bin storage required.

Reasons

Character and Appearance

4. While I note the Council's concerns regarding the number of HMOs within St Ann's Road, St Osburg's Road and St Michael's Road, I find that the level of HMOs they have identified would form only a small minority of the overall number of properties within the three roads. I therefore find that the proposed HMO would not in itself, nor cumulatively with the existing relatively small number of HMOS for the area, result in harm to character and appearance.

5. During my site visit I noted that a number of dwellings, including the host dwelling, had their refuse and recycling bins within their respective front garden areas. From the information before me it appears that there would not be a significant increase in the number of bins associated with the site as a result of the development. I therefore find that the proposal would not harm the character and appearance of the area as a result of bins being stored at the front of the site, as this is the existing arrangement.
6. As the proposal would not harm the character and appearance of the surrounding area by way of the intensification of the use or the storage of bins, it would comply with Policies DE1, H10 and H11 of the Coventry City Council Local Plan (LP) which collectively require, amongst other things, that development is of a high quality which reflects, or enhances, the character and appearance of the area. The proposal would also comply with Paragraph 127 of the National Planning Policy Framework (the Framework) which seeks to ensure development is visually attractive and sympathetic to local character and history.

Living Conditions of Neighbouring Occupiers

7. The resultant increase in future occupiers would likely cause an increase in the comings and goings from the site, as well as other activities in and around the dwelling. However, these would be residential in nature and therefore typical of the area. Therefore, while this increase in activity on site would likely result in more noise from the dwelling, I find that the increase would not result in the unacceptable disturbance of neighbouring occupiers to the detriment of their living conditions.
8. While the proposed HMO could be used as student accommodation, this does not necessarily mean that the proposal would result in anti-social behaviour or littering. Such activities could arise from the appeal site as existing, and irrespective of the target tenants, therefore I find this carries little weight in the determination of the appeal.
9. I therefore find there to be no harm to the living conditions of neighbouring occupiers as a result of the increased number of occupiers, and the likely associated increase in noise and activity, on site. In this regard, the proposal would therefore comply with Policies DE1, H10 and H11 of the LP which require high quality design which does not harm the amenity of occupiers of nearby properties.

Standard of Accommodation for Future Occupiers

10. The rear garden would be significantly reduced in scale by way of the rear extension, bike and bin storage areas. As a result, there would be little useable space left for future occupiers for sitting out, hanging out washing or other social activities. Although I note the appellant considers future occupiers would not wish to have a large garden, this is not substantiated, especially given the lack of any internal communal space. Moreover, the useable area of the rear garden would be in close proximity to the windows of the ground floor flats which would likely result in conflict between their occupiers and those using the garden area. This would further make it a less attractive space to use.
11. The windows serving the living room/kitchen areas of flats 1 and 2 look out on to the narrow passageway alongside the outrigger. Given the narrowness of the

passage in relation to the height of the outrigger the outlook of these windows would be poor. This would be exacerbated as a result of the siting and scale of the extension which would lengthen the passageway. Although both flats have better outlook from their respective bedrooms, I find this does not mitigate the poor quality of accommodation that would be provided within the main living spaces.

12. As such, the proposal would not provide a suitable quality of accommodation for future occupiers as a result of the external amenity space and the proposed extension. Therefore, it would conflict with Policies DE1 and H11 of the LP. These policies, amongst other things, require that development is of a high quality and that the living standards of future occupants are not harmed as a result of the development. The proposal would also conflict with Paragraph 127(f) of the Framework which requires development to provide a high standard of amenity for existing and future users. While Policies H10 and AC3 were also referred to by the Council, I find that with regard to the living conditions of future occupiers, the proposal would not conflict with these policies.

Highway Safety

13. The appeal site does not have any off-street parking and therefore does not contribute towards the maximum of two parking spaces sought by the Council's car parking standards set out in Appendix 5 of the Coventry Development Plan 2016 (CDP). Following this guidance, the proposed five bedroom HMO should be provided with up to four parking spaces. At the time of my visit there were a number of spaces available on St Ann's Road. Although there were very few spaces available within the adjoining roads, I consider that given my observations on site and the information before me, there would be sufficient parking available close to the appeal site, to accommodate the likely increase of two motor vehicles. I therefore find it is not necessary in this instance for the proposal to meet the maximum requirements of the standards.
14. While it is likely that bins would be left on the pavement or carriageway on the collection day, this is typical for most residential areas. Relative to the existing number of bins which would be expected to serve the houses on St Ann's Road it is unlikely that the proposal would result a significant or unacceptable increase harmful to the safety of pedestrians. Whilst the path linking St Ann's Road to the rear garden is somewhat overgrown and otherwise unkempt, I find that it would not prevent access for pedestrians with bicycles. As such I therefore find that the bicycle storage at the rear of the site would be suitable.
15. The proposed change of use would not adversely affect the safety of pedestrians and motorists using St Ann's Road or the surrounding streets, and would support sustainable transport in the form of cycling. The proposal therefore complies with Policies AC3 and AC4 of the LP, and CDP Appendix 5 with particular regard to the provision of parking and cycle storage, and would comply with the requirements on protecting highway safety in Paragraph 109 of The Framework.

Other Matters

16. Although the appellant has brought my attention to the possibility of converting the host dwelling, under permitted development rights, to an HMO for 6 occupants, no substantive evidence to demonstrate this has been

submitted. I therefore find that it has not been confirmed that the relevant permitted development rights are available and as such there is no more than a theoretical possibility for the fallback position to be carried out.

Conclusion

17. Notwithstanding my findings in relation to the effect of the proposal on the living conditions of neighbouring occupiers, character and appearance, and highway safety, this is significantly outweighed by the poor standard of accommodation which would be provided for future occupiers, to their detriment.

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

Mr Samuel Watson

INSPECTOR