



Appeal Decision

Site visit made on 30 November 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 January 2022

Appeal Ref: APP/W3710/W/21/3277478

Crystal Palace, Gadsby Street, Nuneaton CV11 4NZ

- 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 Jagdip Dosanjh against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 037377, dated 2 September 2020, was refused by notice dated 28 May 2021
 - The development proposed is Change of use from former Public House (A4) to HMO (C4) and single unit (C3)
-

Decision

1. The appeal is allowed, and planning permission is granted for change of use from former public house (A4) to HMO (C4) and single unit (C3) at Crystal Palace, Gadsby Street, Nuneaton CV11 4NZ in accordance with the terms of the application Ref 037377 dated 2 September 2020, subject to the conditions included below :-
 1. The development must be begun not later than three years beginning with the date of this permission.
 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans:

Site Location Plan – KADS CPGS LP001A

Block Plan – KADS CPGS BP001A

Existing Plans and Elevations – KADS CPGS PD005A (sheet 1)

Proposed Plans and Elevation – KADS CPGS PD005 Rev B (sheet 2)

Procedural Matter

2. The description of development above has changed from the original application form. This has been done with the agreement of the two parties.

Application for costs

3. An application for costs was made by Mr Jagdip Dosanjh against Nuneaton & Bedworth Borough Council. This application will be the subject of a separate Decision.

Main Issues

4. The main issues in this appeal are:-
- The effect of the development on highway safety
 - The loss of the community facility
 - The living conditions of proposed residents

Reasons

Highway Safety

5. The appeal site is a former Public House, closed for a number of years. Previous approval has seen the first floor already in use as a House in Multiple Occupation (HMO).
6. The appeal site is located in a predominately residential area, largely made up of terraced properties. On-street parking is the main method of vehicle parking in the locality.
7. I have taken into account the survey carried out on behalf of the applicant in order to justify the scheme in terms of its impact on highway safety, however I am inclined to agree with the Council that the dates and timing of the survey were not ideal, given the COVID restrictions at that time as well as the times of day that they were carried out in that it would not give an accurate picture of the vehicle situation.
8. Regardless of the accuracy and findings of the survey, I have to take into account that fact that part of the building has already been converted into HMO accommodation, as well as the fact that it has been operating for some time already.
9. As regard the level of parking requirements, I find that the comments of the appellant regarding the parking needs of a potentially re-opened commercial premises in comparison against the parking needs of an HMO are of limited weight, given the age and style of the original premises and its use. A revamped public house or alternative similar uses would not be required to provide the number of parking spaces under current local plan policy. To interpret policy in that formal manner is somewhat disingenuous and flippant. I understand the building was constructed prior to the First World War, not to current planning policy.
10. Nonetheless, while there is a requirement to provide limited car parking for the appeal proposal, the additional requirements could be accommodated in the locality. There is no doubt that the parking requirement would cause further parking issues in the locality, given the environs that the appeal property is located in, but given the "high bar" set in the National Planning Policy Framework (the Framework) in relation to highway safety and cumulative impact, I cannot define the impact as "severe" as per the definition.
11. As such, I consider that the appeal proposals are consistent with the guidance as relating to highways set out in Paragraph 111 of the Framework.

Loss of Community Facility

12. The appeal property is a former Public House that has been closed for a number of years. I note that no objections were made regarding the loss of the facility in its totality, following a period of time where part of the building has been used as a HMO.
13. I also note that, according to the evidence, the Council published an Assets of Community Value list in 2019. The Crystal Palace Public House was not placed on the list at that time. This absence leads me to question the Community Value that the Council have attributed to the building.
14. I have been supplied with a map detailing the location of other licensed premises, and it appears to demonstrate that there are a number of alternate locations in the area, easily reachable by foot in this residential area.
15. As a result, I find the proposals consistent with Policy HS4 of the Nuneaton & Bedworth Borough Plan (2019) (the BP) which expects development to address the potential loss of community facilities in their proposals.

Living Conditions

16. The appeal building operates as an HMO at first floor, and the layout of the ground floor shows that the sizing of the habitable rooms exceeds the Council's standards for HMOs and shows natural light via windows, and largely copies that at first floor level.
17. The personal spaces for each occupier have access to natural light, and whilst there is no direct access for the communal area and kitchen, there are openings to allow light from other sources. The occupiers of the property would undoubtedly utilise their own personal room space for privacy so I find that the kitchens and communal area would not be used as much as private space and the comings and goings of HMO residents can be significantly different from that of a family. I find the direct lack of fenestration to cause some harm, but not to a level to warrant a dismissal on such grounds.
18. In conclusion on this issue, I find that the proposals are consistent with Policy BE3 of the BP which expects development, amongst other matters, to be designed to a high standard and meet the changing needs of occupants.

Conditions

19. The Council have not requested any conditions in their statement, making direct mention of this. I find that the imposition of standard conditions is necessary in order to ensure development is commenced in line with timescales, and to the design of the proposals submitted to the Council.

Conclusion

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

Paul Cooper

INSPECTOR