



Appeal Decision

Site visit made on 15 February 2022

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/U4610/W/21/3282467

57 Woodway Lane, Coventry CV2 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Kalpana Singh of Kalpanamit Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2020/3070, dated 12 January 2021, was approved on 11 June 2021 and planning permission was granted subject to conditions.
 - The development permitted is change of use from a care home (Use Class C2) to a House in Multiple Occupation (HMO) (Sui Generis).
 - The conditions in dispute are Nos 3 and 9 which state that:
 - (3) *The development hereby permitted shall be occupied by no more than 13no. permanent residents at any time.*
 - (9) *The House in Multiple Occupation (HMO) hereby permitted shall not be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in full accordance with the approved drawings and made available for use by the occupants and / or visitors to the property and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.*
 - The reasons given for the conditions are:
 - (3) *To ensure that the development is not used in an over-intensive manner, prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.*
 - (9) *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*
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Decision

1. The appeal is dismissed.

Background

2. In June 2021 planning permission was granted for the change of use of the property from a care home to a House in Multiple Occupation (HMO). In doing so the Council imposed a series of conditions including that the HMO shall not be occupied by more than 13 residents and that communal parking spaces should be laid out prior to occupation of the premises.

Main Issue

3. The main issue is whether Conditions 3 and 15 are necessary and reasonable having regard to the living conditions of nearby occupiers and local parking stress.

Reasons

Living conditions of existing occupiers

4. The appeal property is a detached building located on the junction of Woodway Lane and Arkle Drive. The area is largely characterised by single family dwellings and purposed built flatted developments. Whilst there are a handful of retail uses along Woodway Lane the area has the appearance of a pleasant suburban environment.
5. The proposed HMO is restricted to 13 occupants and whilst it is aimed at hospital staff it would be made up of individual tenants who may well have different work patterns, friends and lifestyles. This would result in varying movements and activities resulting in noise and comings and goings at different times of the day and night.
6. In my view Condition 3 performs a useful planning purpose in that it limits the number of residents to safeguard the living conditions of the occupiers of other residential properties in the area.
7. I accept that the proposal would add to the general availability of specialist housing. However, I have not been made aware of any pressing housing need for HMOs that would justify removal of the condition.
8. Subsequently Condition 3 is reasonable and necessary and its deletion would conflict with Policies DE1, H3 and H5 of the Coventry Local Plan (2017) (LP) which, amongst other things, seek high quality design and the provision of satisfactory residential environments.

Parking stress

9. Condition 9 imposed by the Council requires the approved parking layout to be provided before the proposed HMO is brought into use. Based on the evidence before me ordinarily there would be a requirement for 10 off street parking spaces. However, based on the conclusions of the appellant's parking survey a reduced provision of 5 parking spaces was deemed acceptable by the Council and the application was approved on this basis.
10. The development, as proposed, is deficient of parking spaces and the removal of Condition 9 would mean that no off street parking spaces would be provided for the HMO.
11. The appellant contends that the target tenants are staff including doctors and nurses working at a nearby hospital. Whilst I note that the hospital is within walking distance there is nothing to prevent future occupiers from owning a car and applying for a parking permit.
12. Arkle Drive and the surrounding roads is a Residents Parking Zone and is subject to daytime on street parking restrictions. At the time of my visit on a weekday morning, I observed parking taking place on the single yellow lines in front of and opposite the site on Arkle Lane. On nearby roads including Crowmere Road, Darnford Close and Beckbury Road I also observed significant pressure for spaces in permit parking bays. Whilst I acknowledge that this is a snapshot in time, based on my observations, it is evident that on street parking is in demand near to the site.

13. Whilst stretches of Woodway Lane are not subject to parking restrictions given it is a busy route combined with its limited width means it is unlikely to be an attractive option for residents to park. In Shirley Road and Regina Crescent whilst there was a noticeable amount of capacity within the on street permit parking bays given the distance from the appeal property these spaces are unlikely to be used by future occupiers.
14. In my judgement, the demand for vehicle parking during both daytime and the evening is likely to increase in the locality of the appeal site due to the number of individual occupiers at the property. The removal of this condition and the resultant absence of on-site parking would increase the likelihood of vehicles seeking to park along the public highway, in an area where demand for on street parking is already high leading to unacceptable parking stress in the area.
15. Based on observations at my site visit and taking into account the advice of the Highways Officer, I am satisfied that adequate visibility would be achieved. Whilst the proposed footway crossing would result in a section of on-street parking being removed, given its limited length it is unlikely to unacceptably disperse cars along Arkle Drive. Moreover, I note that a planning condition has been imposed requiring any redundant dropped kerb to be reinstated offsetting the loss of on street spaces.
16. As such, I find that Condition 9 is necessary and relevant and its deletion would conflict with LP Policies AC1, AC2 and AC3 which, amongst other things, seek to manage and mitigate traffic growth.

Other Matters

17. In order to provide three of the on-site parking spaces works to the existing detached building in the form of removing an external wall would be required. The appellant contends that the detached building is of historic merit. However, based on the information before me, including my observations during the site visit, I cannot come to the same conclusion. There is no credible evidence to suggest that the works to the building would be dangerous or that it would damage the neighbouring property. As such, I give these matters limited weight in coming to my decision.
18. The comments made to the appellant by the highway representative and fire risk assessor in respect of the footway crossing and the works to the building count neither for nor against the proposal and do not outweigh the need for the conditions.
19. The appellant has drawn my attention to an HMO for doctors and nurses in Bolton. However, based on the limited information before me there is nothing to indicate that its context is comparable to the appeal site. In any case, every appeal must be considered on its own merits, as I have done. This example does not justify the harm that I have identified.
20. I acknowledge that the appellant is residing in the property. However, this does not lead me to conclude that this effects implementation of the details required by conditions.
21. I note local representations made in respect of waste. However, the Council has not raised objections in respect of such matters and there is nothing to

lead me to reach a different conclusion. In any event planning conditions would manage bin storage.

Conclusion

22. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR