



Appeal Decision

Site visit made on 10 May 2022

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 June 2022

Appeal Ref: APP/U4610/W/21/3288026

189 Charter Avenue, Coventry, West Midlands, CV4 8ER

- 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 Cosmo Students Ltd against the decision of Coventry City Council.
 - The application Ref FUL/2021/2163, dated 5 July 2021, was refused by notice dated 30 August 2021.
 - The development proposed is change of use from 8 bedroom HMO to 9 bedroom HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A similar proposal at 191 Charter Avenue, which is the paired dwelling of the appeal property, is also subject to an appeal. The respective proposals were submitted as separate planning applications, and this is the same for the appeals. For the avoidance of doubt, I have considered this appeal separately.

Main Issues

3. The main issues are:
 - whether the proposal would provide sufficient car parking, and linked to this, the effect of the proposal on parking provision and highway safety in the area, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Parking and Highways

4. The Framework states at paragraph 111 that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.
5. At the time of the site visit there was no boundary fence between the front space of the appeal property and No 191. I understand that the permission for the two HMOs includes approval for 6 car parking spaces in this area to serve the currently permitted 16 occupants of these properties and their visitors. I saw that the space in front of the appeal property would at most accommodate three modestly sized cars which is consistent with that already permitted.

6. This proposal would result in a material increase in occupancy at the appeal property. This would likely generate increased pressure on the existing limited off-street spaces. The Council's adopted parking standards advises that 1 additional parking space would be required as a consequence of this proposal. But it has been presented as a car free development although I see no mechanism before me to ensure that this would be the case.
7. The off-street spaces on the south section of Mitchell Avenue whilst conveniently located for occupants of the appeal property are few in number. This aside, the appellant's parking survey concludes that there is spare capacity for suitable on-street parking along the south of Charter Avenue near the appeal property. I am also mindful that the Council's Highways Officers have raised no concerns regarding traffic flows and safety.
8. However, I saw that residents in the area were reluctant to park on the dual carriageway regardless of its relatively low-speed limit and lack of parking restrictions. On occasion, where cars were not parked on front drives, they were parked on the verges, and this allowed for the free flow of traffic on this well used road. If cars were to be parked on the carriageway this would restrict this existing free flow of traffic. Moreover, if vehicles were to be parked on the carriageway close to the numerous accesses to dwellings along the Avenue, this may restrict drivers' views when leaving the properties to join the carriageway in the path of oncoming traffic. The highway fronting the property would as a result be less free flowing and less safe for road users.
9. The Council's guidance on parking standards states in exceptional circumstances it may be appropriate to have a lower level of parking. In this regard the property is well related to public transport, well-lit walking/dedicated cycle routes, a wide range of services and university facilities. The evidence put forward by the appellant regarding students using cars to travel to university and factors discouraging them from doing so is also compelling. However, there is nothing before me regarding the level of car ownership amongst students. Even factoring in the property's favourable location, I am mindful that cars can be used for journeys other than to the University and close by services, and this could negatively affect the local highway network as outlined above. For this reason, a condition limiting the occupancy of the HMO to that of students would not address the harm outlined.
10. The Travel Plan offers appealing incentives to encourage occupants of the HMO to choose alternative modes of transport to the car. This would support the Council's proactive position on this matter. However, although the plan would promote better practices, there is no obligation on the occupants to accept these incentives. Even if they do so, there is no certainty that future occupants of the HMO and their visitors would not still use cars in addition to the alternative modes of transport.
11. Limited information has been provided in respect to the TRICs data, so I am unable to assess this issue. That aside, I accept that not all the occupants may have cars. However, some occupants could, and this may be the case with their visitors. Account should also be taken of delivery vehicles accessing the property.
12. An additional occupant at the property would increase the likelihood of vehicles being parked at the property which already has limited convenient off-street parking options. This in turn would place pressure on parking in the wider area

and this would have a negative impact on the capacity and safety of the highway as already outlined. I find the mitigation measures offered would not address these negative impacts on highway safety. Nor am I satisfied for the reasons indicated above, that the evidence in this case amounts to exceptional circumstances that would allow a shortfall in parking provision.

13. I therefore conclude that the proposal would not provide sufficient car parking, and this would be likely to have a harmful effect on parking provision and highway safety in the area. It would be contrary to policies AC1, AC2 and AC3 of the Coventry City Council Local Plan (Local Plan), which collectively require, amongst other matters, that proposals which are predicted to have a negative impact on the capacity and/or safety of the highway network should mitigate the traffic growth which they are predicted to generate to ensure that they do not cause unacceptable levels of traffic congestion, highway safety problems and poor air quality. It would also be inconsistent with transport policies of the National Planning Policy Framework (Framework).

Character and Appearance

14. Charter Avenue is a predominantly residential area comprising semi-detached dwellings. Some properties remain as single-family dwellings, but many are now HMOs. The residential area is positively characterised by a sense of space derived from the set-back position of dwellings and the wide green verges with street trees. The appeal property has been much extended to facilitate its use as a large HMO. However, these alterations are mainly confined to the rear, and it retains the appearance of a modest family dwelling when viewed from the street.
15. The proposal would not result in any changes to the external built form of the property. I also note the fact that the Council has not received any complaints regarding the use of the property to date.
16. However, the HMO already accommodates 8 individuals and even when exercising due consideration for their neighbours, their collective activities and day to day needs are distinctly different to that of a single family living at the property. Even if that family was to include young adults it is unlikely to be at the concentration of independent individuals that would occupy the appeal property in its use as an HMO.
17. This proposal would result in the further intensification of this much-extended property, the capacity of which has already been expanded since its change of use to an HMO.
18. I saw that bins were placed at the front of the property and that they were full. My visit may have coincided with the waste collection day and the bins were tidily stored at the front elevation of the property. This aside their presence did not positively contribute to the appearance of the property and drew attention to it as an HMO.
19. I note the bin store to the rear of the property and that the Council does not require additional bin capacity for this proposal. However, an additional occupant at the property would generate refuse and this would place further pressure on the existing waste management arrangements at the HMO. Whilst the aspiration is for individuals to generate less waste, this is not always the reality. From the evidence before me and from what I observed I am concerned

that this increased pressure would result in a further deterioration in the appearance of the external areas at the front of the property.

20. As highlighted previously, future occupants may have cars and would have visitors who may also choose to visit by car. This would increase the likelihood that the hardstanding at the front of the property would be full of vehicles. In turn this would create pressure for individuals to park on the wide verges close to the property. Parking vehicles on these spaces would harmfully diminish this positive feature in the street scene. Moreover, the potential concentration of parked vehicles at the front of the property would harm its appearance and this would harmfully erode the spacious and green residential character of the area.
21. In addition to the large HMO at No 191, I note that neighbouring properties (Nos 193 and 195) are also large HMOs. The harmful intensification of the use at the appeal property would therefore add to the activities of occupants of a number of existing large HMOs in the immediate area. In this respect the proposal would contribute to the cumulative impact of HMOs and their associated activities. This would amplify the harmful aspects of the use in the street scene, and this would detrimentally alter the existing positive residential character of the area.
22. I have found that the addition of one further occupant would be an over-intensification of this HMO. Therefore, a condition controlling the number of occupants to that proposed in this case would fail to address this matter. The appellant has offered a student management plan and/or tenancy agreement to overcome objections to the proposal. However, no details have been submitted. Regardless, these measures may limit anti-social behaviour at the property, but I am not convinced they could resolve the matters identified above with regards harm to the character of the area.
23. The Council has not chosen to restrict the permitted change of use of dwellings to small HMOs in the area. This could protect the housing mix in the area. However, such a measure would not address the matters at issue in this case which relate to the effect of a large HMO. Therefore, this issue has limited weight.
24. For the reasons outlined I find that the proposal would have a harmful effect on the character and appearance of the area. It would in this regard be contrary to policies H11 and DE1 of the Local Plan which require all new development proposals must respect and enhance their surroundings, and in respect to large HMOs, they will not be permitted in areas where proposals would materially harm, amongst other matters, the appearance or character of an area. It would also be inconsistent with the design policies of the Framework.

Other Matters

25. The proposal would contribute to the availability of student accommodation. This would benefit Warwick University which has an important role as an employer in the area as well as being a renowned research and education institution. Future occupants would also contribute to the social and economic well-being in respect to supporting local shops and facilities. However, given the scale of the proposal these would amount to a small benefit, and this would not be sufficient to outweigh the harm identified.

26. High quality accommodation and living standards are to be expected for all development so these are neutral factors in this appeal.

Conclusion

27. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons given above, the appeal is dismissed.

A J Sutton

INSPECTOR