



Appeal Decision

Site visit made on 6 June 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th June 2022

Appeal Ref: APP/U4610/W/22/3290935

47 Marlborough Road, COVENTRY CV2 4EQ

- 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 Omar Shah against the decision of Coventry City Council.
 - The application Ref FUL/2021/2399, dated 27 July 2021, was refused by notice dated 21 September 2021.
 - The development proposed is the conversion of an existing dwelling house to 4 flats.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of an existing dwelling house to 4 flats at 47 Marlborough Road, Coventry CV2 4EQ in accordance with the terms of the application, Ref FUL/2021/2399, dated 27 July 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and Existing and Proposed Plans and Elevations, Drawing reference: 4020/03 rev A.
 - 3) Notwithstanding the details shown on the approved plans; prior to occupation of the development hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation and thereafter those facilities shall remain available for use at all times.
 - 4) The development hereby permitted shall not be occupied unless and until the bin storage area(s) have been laid out and provided in full accordance with the approved details and thereafter those facilities shall remain available for use at all times. All bins which serve the development within the red line site area must be stored within the approved bin storage area and not positioned on the public highway or in the open, unless on bin collection days.

Preliminary Matters

2. The plans show the garage as being proposed for conversion. However, this has already been undertaken, although the proposed new rear door into the garden has not been installed. I shall take these matters into account in my decision.

Main Issue

3. The main issues are:

- The effect of the proposed change of use on the character and appearance of the area, and
- the effect of the proposal on the living conditions of future occupiers with respect to the provision of external space.

Reasons

Character and appearance

4. Malborough Road is a residential street of traditional terraced housing. Dwellings are set back from the footway a short distance with small front gardens, largely enclosed by short brick walls. Most properties therefore do not have on plot parking. The area accommodates a range of housing types, including subdivided properties into Houses in Multiple Occupation (HMO) and flats. The appeal site is a traditional terraced dwelling in keeping with the local area. As such, this property makes a positive contribution to the prevailing character and appearance of the area.
5. The development plan for the district includes the Coventry Local Plan 2016 (LP). LP Policy H3, requires new housing to be high quality and contribute towards the creation of sustainable communities. The Council identify that the area includes a large concentration of HMOs, resulting in some pressure being applied to local services.
6. The Council has not identified any policy expectation relating to proposals for subdivided properties, the effect of these on an area or a threshold trigger which might indicate that an over concentration would occur. The National Planning Policy Framework requires housing policies to offer a variety of housing, in a range of sizes and types, to provide for different groups in the community. I am cognisant that the proposal would provide four flats within an urban area that would be close to local amenities and services. These locational benefits weigh in favour of the proposal.
7. In contrast, the harm described by the Council is not supported by policy and it is unclear how the proposed intensification would result in an obvious or overt effect on the living conditions of neighbours. The activities of occupiers of the proposed flats would be unlikely to differ significantly from the behaviour of neighbouring occupiers. The appeal property appears to be of sufficient size to accommodate the proposed number of dwellings without occupiers intruding onto neighbouring occupier's living conditions. Moreover, whilst additional dwellings within the area may increase demand for local services, there is no compelling evidence to illustrate that these services are saturated, or under undue pressure, and cannot accommodate further custom. In any event, three further dwellings, would have a negligible effect on local services.
8. The Council identifies that the proposal would generate a maximum requirement for six parking spaces. Nonetheless, due to the small size of the units and proximity of local services it is unlikely that all occupiers would own a vehicle.

9. Furthermore, despite the relative high density of housing in the area, the appellant's parking assessment found that on-street parking spaces were generally available close to the site. Although a little dated, the results of this survey accord with my own observations within the area. It is recognised that my on-site observations only reflect a snap-shot in time and that parking demand would be higher in evenings and weekends. Nevertheless, based on the submitted evidence and my own observations, it appears that adequate on-street parking would remain available during peak demand. Furthermore, whilst future occupiers may not be able to park adjacent to the property, I do not anticipate that they would need to park such a distance from the site as to be inconvenient.
10. Taking the above points together, the proposal would provide small dwellings which would contribute to the variety of housing available in the area without resulting in material harm to adjacent neighbours or the availability of on-street parking. Therefore, the proposal would make a positive contribution to the character and appearance of the area.
11. Consequently, the proposal, in consideration of matters of character and appearance, would accord with policies DE1 and AC3 of the LP. These seek, among other matters, for development to positively contribute to the identity and character of an area and to promote sustainable communities. The Council also refused the scheme as being contrary to LP policy H11. However, this relates to HMOs only and therefore is not germane to this scheme and weighs neither for nor against the proposal.

Living conditions

12. The Council has not identified any specific policy or standards in relation to the size requirements of external spaces for specific types of accommodation. The rear external space consists of a hard surfaced courtyard. It is a flat area and a rectangular shape. It is enclosed by a wall and fencing and would not be overlooked to any greater degree than neighbouring spaces. Some boundary planting is evident, but the space would receive reasonable daylight levels within this urban context. All future occupiers of the property would have access through a corridor within the property to the rear courtyard.
13. Main parties disagree as to the size of the rear garden. The Council may have excluded the area to the sides of the rear extension, being narrow and of limited use. However, these areas would provide some, albeit limited, additional space for storage. Nevertheless, even if the total garden was the smaller size advanced by the Council, it would still be generous and able to accommodate the needs of the occupiers of the four flats. Consequently, the external area is of a good size and large enough to accommodate refuse storage, cycle storage and the anticipated recreational needs of future occupiers. Accordingly, the proposal would provide acceptable living conditions for future occupiers, with regard to the provision of external amenity space.
14. The proposal would therefore comply with policy DE1 of the LP, in terms of its effect on living conditions. This policy seeks development to reflect high quality design in its layout.

Other Matters

15. The layout plan illustrates that a refuse storage area would be located within the rear garden. Access to this can be gained via a shared passageway to the side of the site. The proposal would therefore provide adequate and sufficient refuse facilities for the needs of occupiers of the proposed use.

Conditions

16. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty.
17. Details of cycle parking and refuse storage are necessary to accord with LP policies DS3(g) and DE1 respectively. The Council also suggested a condition with respect to matching materials. However, as only limited operational development is proposed this condition would be unnecessary.

Conclusion

18. The proposed development would accord with the development plan when taken as a whole. Therefore, the appeal is allowed, and planning permission is granted subject to the attached conditions.

B Plenty

INSPECTOR