



Appeal Decision

Site visit made on 20 September 2022

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/U4610/W/22/3297695

Land To Rear Of 147 Northfield Road, Coventry CV1 2BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Grant Topham (Charterhouse Estates) against the decision of Coventry City Council.
 - The application Ref FUL/2021/3051, dated 1 October 2021, was refused by notice dated 10 February 2022.
 - The development proposed is conversion of existing repair shop into 3no 2 bed student houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal reasons refer to the Coventry Local Plan 2016 (the LP). However, the information provided indicates the LP was adopted in 2017. For clarity, I confirm my assessment is based upon the policies provided by the Council with its appeal questionnaire.
3. As part of the appeal, the appellant has submitted unilateral planning obligations or undertakings under section 106 of the Act (the UUs). The initial version of the UU is dated 14 September 2022. A revised version dated 21 September 2022 was provided following comments from the Council. The UUs require 3 car parking spaces at the adjacent Willowbank Mews to be allocated for the sole use of occupants of the proposed development. The Council has had the opportunity to submit comments on the UUs as part of the appeal process and I have had regard to them in my assessment.

Main Issues

4. The main issues are (i) whether the development would provide appropriate living conditions for occupiers in terms of privacy, outlook and light to habitable room windows, (ii) parking provision, and (iii) whether its design would be acceptable, particularly in terms of avoiding crime and the fear of crime.

Reasons

Living conditions

5. LP policy H5 supports the conversion of non-residential buildings to residential uses provided a satisfactory environment is created. This is consistent with the National Planning Policy Framework (the Framework) which looks to ensure development has a high standard of amenity for future users. The appellant

highlights that student accommodation is particularly encouraged under LP policy H10 and this sets no requirements in terms of living conditions. However, I see no reason why the policy requirement for satisfactory living conditions should not apply to student houses, even if they are likely to be occupied by a more transient population.

6. The 3 proposed units would be in a line with main doors and ground floor windows in the east elevation. These would look out onto a walkway directly to the front and which would provide access to each of the units as well as to the rear of neighbouring properties. A communal amenity space to serve the proposed dwellings would also be close to the front ground floor windows.
7. From the walkway and amenity space there would be clear views through the fenestration into the main kitchen and living area of the proposed units. A large part of the ground floor interior would be visible by users of the walkway and garden space. This would be highly intrusive as it would allow visitors to the development and the site to look into each of the proposed dwellings. It would be impractical to obstruct views from the walkway as any new screening would obstruct outlook from the windows. Also, it would be unreasonable to impose a condition that requires the windows to be obscured glazed as they would serve main living rooms. As such, the ground floor areas of the proposed units would be subject to a significant level of overlooking.
8. The windows on the western elevation would be at a height above the adjacent alleyway to prevent easy views into the dwellings. Also, the windows would be high above the internal ground level and so they would not enable intrusive views from Willowbank Mews to the interior, even if the existing boundary hedge was removed.
9. Views from Willowbank Mews into rooflights in the west facing roof slope would be blocked by the existing boundary hedge. Even if this was removed, sightlines into the proposed bedrooms and bathrooms would be restricted due to the height of the rooflights above the internal floor level and the angle of the roof. As such, the upper floors of the proposed units would have adequate levels of privacy.
10. In terms of outlook, the rooflights in each of the dwellings would be fairly wide and they would allow reasonable sight of the sky. The proposed site section drawing indicates that the nearby hedge and buildings would not significantly curtail views. Moreover, the angle of the rooflights and their separation from the hedge and nearby buildings would ensure the upper floors have adequate access to daylight.
11. In summary, I find the ground floor areas of the proposed development would not have an adequate level of privacy due to outside views at close quarters through the main doors and windows on the east elevation. Privacy would not be prejudiced for any other reason and the units would have an appropriate outlook from windows and access to light. However, these acceptable elements of the scheme do not address or override the identified privacy concern.
12. For these reasons, I conclude the development would not provide appropriate living conditions for occupiers in terms of privacy, although it would be acceptable in terms of outlook and access to light. Overall and in these regards, the proposal would not accord with LP policies H5 and DE1. Amongst

other things, these seek high quality design that provides a satisfactory residential environment.

Parking

13. Appendix 5 of the LP includes car parking standards for new development. The Council's position is that the proposal requires 5 spaces but table 1 in appendix 5 sets a standard of 1 space per 4 bedrooms for student accommodation. This would lead to a requirement for 2 spaces when rounded up in line with the notes to table 1. Given the description of the development and its location close to the university, I am persuaded that parking for 2 vehicles would be appropriate to serve the proposal.
14. No parking would be included as part of the proposed development. Instead, the appellant relies upon the terms of the UUs and the allocation of 3 spaces on the nearby car park to Willowbank Mews. The Council raised concerns over legal aspects of the initial UU dated 14 September 2022 but I am satisfied that these have been appropriately addressed in the revised UU so that it would be effective in securing the obligation.
15. In addition, the Council raises concern that the Willowbank Mews development is already under-provided in terms of parking and so the allocation would lead to displacement of parking onto the highway. The appellant states that the Willowbank Mews car park is underused and so the allocation of 3 spaces could be accommodated. However, there is no evidence, such as a parking capacity survey, that either supports or contradicts this claim. In any event, there can be no certainty that any current under-utilisation of the Willowbank Mews car park would continue.
16. Also, there is no information before me on the number of dwellings or student bedrooms at Willowbank Mews. As such, I am unable to ascertain whether sufficient parking exists at the property to meet Council parking standards. Therefore, I am unconvinced that the allocation of spaces as required through the UUs would avoid a displacement of parking onto local roads.
17. Existing demand for local roadside parking is likely to be significant given the high proportion of properties without private parking and parking restrictions in the area. Traffic associated with the proposal would marginally add to this demand and problems of parking availability. However, I note that the Council have raised no highway safety concerns in relation to any additional parking generated by the development.
18. For the above reasons, I conclude the scheme would not provide sufficient parking and in these respects it would not accord with LP policy AC3. Amongst other things, this requires development proposals to be assessed against the Council's parking standards. However, the weight I attach to this conflict with policy is tempered by the lack of identified harm.

Design, crime and fear of crime

19. The proposed units would be set behind properties on Northfield Road and Irving Road and so would have no street frontage. However, the building is already in place and so the scheme would not significantly alter the pattern of development in the area. The access to the units and their frontages would be overlooked by the windows to serve the proposed dwellings as well as

fenestration on adjoining properties. These would help ensure an appropriate level of natural surveillance and a safe environment.

20. The ground floor windows on the west side of the building would be directly onto a narrow and enclosed public walkway with no private space in between. However, they would be set at a height above the pavement level so that unauthorised entry or views into the units would be difficult. Lamp posts are on the walkway and it is straight so its full length can be seen from Northfield Road to Irving Road. Moreover, the windows would provide a sense of natural surveillance onto the alleyway and so they would reduce the risk of anti-social behaviour.
21. Given these factors, I conclude the development would be of an acceptable design so as to avoid crime and the fear of crime. In these regards, it would accord with LP policy DE1 which, amongst other things, looks to ensure development provides safe environments.

Other Matters and Planning Balance

22. The acceptability of the scheme in terms of outlook, access to light and the third main issue is a neutral factor rather than a benefit to which I attach positive weight. However, the proposal would re-vamp and re-use an old commercial building that is out of place in a largely residential area. Also, it would provide additional student accommodation near to the university, as generally promoted under LP policy H10. The benefits in these regards are sufficient to outweigh the limited harm identified in respect of parking provision.
23. However, the concern regarding the living conditions of occupiers of the proposal in respect of privacy is the overriding factor. In light of the detriment caused in these regards, the scheme would fail to accord with the policies of the development plan when read as a whole. The benefits of the proposal are of insufficient weight to grant planning permission contrary to the development plan.

Conclusion

24. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Edwards

INSPECTOR