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# Appeal Decision

Site visit made on 13 December 2022

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17<sup>th</sup> January 2023

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**Appeal Ref: APP/U4610/W/22/3303209**

**14 Spindle Street, Coventry CV1 4NP**

- 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 Amir Din against the decision of Coventry City Council.
  - The application Ref FUL/2021/3748, dated 22 December 2021, was refused by notice dated 11 March 2022.
  - The development proposed is change of use to 6 flats and erection of 3 storey, single storey side and rear extension. New vehicular crossover.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. In the heading above, I have used the description of the proposal as set out in the Council's Decision Notice, which is more accurate than that used in the planning application form. The appellant has used this revised description in the appeal form and so I am satisfied that no parties would be prejudiced.
3. The Statement of Case from the Council was received after the Planning Inspectorate's deadline. The Inspectorate is clear that information submitted outside of the normal time limits will usually be disregarded unless there are exceptional circumstances. No such circumstances have been provided. I have therefore disregarded the Council's Statement of Case and determined the appeal on the evidence before me.

## Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area including in respect of the mix and balance of the housing stock locally,
  - the effect of the proposal on the living conditions of the occupiers of nearby dwellings in respect of noise and disturbance, and
  - whether the proposal would provide adequate living conditions for future occupiers in respect of outdoor space.

## Reasons

*Character and Appearance including housing mix and balance*

5. The site is within a predominately residential area consisting of family suburban semi-detached and terraced dwellings. Most of these dwellings front their

respective roads. However, the appeal dwelling is at the end of a terrace which has its rear elevations and gardens facing onto Threadneedle Street and its front elevations facing inwards towards Spindle Street.

6. The proposal would introduce a large parking and manoeuvring area, pedestrian walkway and landscaping into what is currently the rear garden of the dwelling. The dwelling would also be significantly extended, including a new entrance porch and a further porch serving Apartment 2, both facing the rear. The proposed extension would result in the elevation facing Threadneedle Street having a relatively large mass.
7. Apartment 1 would still be accessed from Spindle Street, maintaining a frontage to this street. However, the mass of the extension and its windows, the porches, the access and manoeuvring area and the patterns of movement to and from what would become the main entrance to the building, would effectively create a second principal elevation to the property, facing onto Threadneedle Street.
8. The proposed second principal elevation and the increased intensity of use of the rear garden would harmfully contrast with the remaining rear elevations and gardens of the other dwellings within the terrace, which would remain as the private, rear sides of the block. Having one unit of the terrace with a different elevation to the others adjoining it would appear jarring and out-of-place and would fail to reflect the context of the terrace. It would be visible from Threadneedle Street through the proposed entrance driveway and the open boundary fence, as well as from other properties. As such, it would harm the appearance of the street scene.
9. The Council is also concerned that the proposal would introduce a high concentration of small units to the area, reducing the stock of family units and changing the identity of the locality. Most of the dwellings in the local area appear to be in use as family units, with more than one bedroom. Although I recognise concerns about the cumulative effect of such changes, I have little substantive evidence that conversions to smaller units locally have reached a tipping point where the change of one dwelling would have a harmful effect on the identity of the area.
10. Policy H5 of the Coventry Local Plan (CLP), adopted December 2017, encourages the renovation and improvement of the existing housing stock to meet local needs. Its supporting text seeks to encourage purpose-built student accommodation and additional retirement or care facilities, to 'free up' family housing and to reduce under-occupation. CLP Policy H3 requires development to provide a high-quality residential environment that contributes to creating sustainable communities.
11. However, neither policy contains wording that specifically seeks to limit or resist the loss of family homes, or any policy threshold trigger which might indicate when the over-concentration of subdivided properties might occur. Nor do I have clear evidence that such a conversion would risk crime, disorder or the safety of the community. I therefore consider that the proposal would not harm the mix and balance of the housing stock locally and so would not conflict with CLP Policy H3 or H5, or with the National Planning Policy Framework (the Framework) in this respect.

12. However, in light of my findings regarding the street scene, the proposal would have a harmful effect on the character and appearance of the area. As such, it would conflict with the requirement of CLP Policies DE1 and H5 that proposals must respect and enhance their surroundings and positively contribute towards the character of the area. For similar reasons it would also conflict with the requirement of the Framework that development is sympathetic to local character.

*Living conditions of nearby occupiers*

13. The proposal would result in six units of accommodation, where currently there is only one dwelling. From Spindle Street, the proposal is likely to reduce the level of movements from the current situation, given that only a single, one-bed unit would be accessed from this street, rather than the five bedrooms of the current dwelling. Furthermore, extensions to the property not dissimilar to those proposed now have already been approved<sup>1</sup> by the Council including in respect of the living conditions of neighbouring properties.
14. However, the levels of movement, both vehicular and pedestrian to the Threadneedle Street side of the property would be significantly increased from the current arrangements. I am mindful that these movements would be close to the rear garden of 12 Spindle Street.
15. Despite the presence of Threadneedle Street behind, the noise and disturbance from these additional movements would harm the occupiers' quiet enjoyment of their rear garden. The headlights of vehicles entering or leaving the manoeuvring area would also shine into the windows of dwellings opposite, detracting from the living conditions of the occupiers of these properties.
16. I therefore consider that the proposal would have a harmful effect on the living conditions of the occupiers of nearby dwellings, in respect of noise and disturbance. As such, it would conflict with CLP Policies H3 and H5 that require any improvement to the existing housing stock to ensure a suitable and enhanced surrounding residential environment. It would similarly conflict with the advice in the Framework that requires a high standard of amenity for existing occupiers.

*Living conditions for future occupiers*

17. Guidance on the size of outdoor recreational open space is provided in the Council's Design Guidance for New Residential Development, adopted July 1991 (Design Guidance). Both main parties state that the Design Guidance requires a minimum of 40 square metres of private amenity space for the six units in total. The appellant calculates that the amount of available space proposed would significantly exceed this figure, and the Council has not stated that it would be below this amount.
18. However, the Design Guidance also requires that each unit has its own private space, including for those of only one bedroom. Only Apartments 1 and 2 would have their own space. The remaining space would be shared amongst the flats. Moreover, it has a somewhat constricted form and would also accommodate the bin and cycle storage areas. Furthermore, although no windows other than a bathroom would directly face into this area at ground

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<sup>1</sup> LPA reference HH/2019/2254

floor level, it would be close to the rear parking area, with its associated noise and disturbance. It would not therefore provide a particularly suitable or attractive space for recreation.

19. The site is very close to the public open space at Cash's Park and along the Coventry Canal. However, these areas would not provide the private outdoor space required by the Design Guidance, including for small, non-family units. For the reasons given, the proposal would not provide adequate living conditions for future occupiers in respect of outdoor space. As such, it would conflict with CLP Policy H3 that requires a suitable residential environment including adequate amenity space, as well as with the Design Guidance. For similar reasons it would also conflict with the advice in the Framework that future users should have a high standard of amenity.

## **Other Considerations**

### *Fallback positions*

20. Planning permission<sup>2</sup> has already been granted for side and rear extensions to the appeal property and a parking area to the rear of the site, accessed from Threadneedle Street. This would serve the appeal site as a single dwelling, rather than as separate units. A drop kerb has already been installed from this street to the appeal site. The fence remains and so no access has been formed, but I see no reason to doubt that this permission is a realistic fallback position.
21. However, the approved parking area would only accommodate three vehicles. As such, and serving a single dwelling, its use is likely to be less intensive than the appeal proposal. It would also not have the prominent manoeuvring area, or the internal walkways or landscaping of the appeal proposal. Whilst a single storey rear extension is approved, there is little to suggest that this would become a principal elevation. The approved parking area would be enclosed by close boarded fencing which, together with the absence of a driveway and manoeuvring area would make the Threadneedle Street elevation less prominent in the street scene.
22. The permission includes large extensions to the building. It may also be the case that a rear porch could be erected under permitted development rights. Even so, the smaller extent of the development within the garden, and its more restricted visibility, means that the fallback would not have the same harmful effect on the character and appearance of the area as the appeal proposal. For these reasons, I conclude that the fallback would be preferable to the proposal and so it does not justify the harm I identify above.
23. Conversion of the dwelling to a House in Multiple Occupation (HMO) for 6 people may well not require planning permission, although no specific scheme is before me in this respect. Occupiers of the proposal may have less reliance on shared facilities than an HMO and the Council may have less control including over parking, refuse and cycle storage. However, I have little substantive evidence to suggest that the effect of such a scheme would be worse than the appeal proposal in respect of the main issues. As such I give this HMO fallback limited weight and it does not change my overall conclusions.

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<sup>2</sup> LPA reference HH/2019/2254

### *Other Matters*

24. Examples of other sites considered acceptable by the Council in respect of their outdoor space provision have been cited by the appellant. That at 60 Hastings Road<sup>3</sup> was for significantly fewer flats than the proposal. The proposal at 18 Regent Street<sup>4</sup>, for 10 units, had a larger and what appears to be more usable and less constricted area of outdoor space than that proposed here. The scheme allowed on appeal at 47 Marlborough Road<sup>5</sup> had only four flats, fewer than the proposal, but with a larger area of outdoor space. At 52 Woodshires Road<sup>6</sup> the Officer's Report does not appear to reach a conclusion on the adequacy of the proposed amenity space.
25. These decisions are an important material consideration, as is the need for consistency in decision-making. However, for the reasons given above, the circumstances of these cases materially differ from the proposal. In any case, they must be set against the need to properly apply the policies of the Development Plan. CLP Policy H3 requires adequate amenity space, against which I have found conflict.
26. The proposal would have good access to services and facilities and the Council does not dispute its compliance with internal space standards. Local residents have raised other matters including increased traffic, vehicle use and pollution in an area with narrow streets and limited parking. However, six parking spaces would be provided and the Highway Authority raised no objection to the proposal.
27. Concerns have also been raised in respect of bin collection, fire safety and other issues. However, in some instances they can be resolved or mitigated by suitable planning conditions or through other legislation. The Council did not raise these matters as reasons for refusal and they do not alter my findings above.

### **Conclusion**

28. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR

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<sup>3</sup> LPA reference FUL/2021/2586

<sup>4</sup> LPA reference FUL/2021/2968

<sup>5</sup> APP/U4610/W/22/3290935

<sup>6</sup> LPA reference FUL/2021/2556