



Appeal Decision

Site visit made on 31 January 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/U4610/W/22/3308720

34 Chester Street, Coventry, CV1 4DJ

- 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 A Nathani against the decision of Coventry City Council.
 - The application Ref FUL/2022/0242, dated 26 January 2022, was refused by notice dated 18 May 2022.
 - The development proposed is 'Application for proposed single storey extension, new roof, two rear dormers and a two storey rear extension, together with conversion to 8 studios and 1 flat'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension, new roof, two rear dormers and a two storey rear extension, together with conversion to 8 studios and 1 flat at 34 Chester Street, Coventry, CV1 4DJ in accordance with the terms of application Ref FUL/2022/0242, dated 2 February 2022, subject to the conditions set out in a schedule attached to this Decision.

Background and Main Issue

2. The proposal follows 2 planning permissions granted by the Council in recent years. These include the building's subdivision into 2 dwellings, and an alternative scheme to extend it to provide 6 studios and 1 flat, which was approved in December 2021. According to the appellant, these permissions remain extant, a matter which is not disputed by the Council.
3. The development proposal includes extensions to the rear of the building and changes to its roof. There is no dispute between the main parties that the extensions and alterations would comply with the most relevant policies in the Coventry City Council Local Plan [2017] (the CLP).
4. Accordingly, the main issue is the effect of the development on the living conditions of nearby residents as a consequence of the proposed extent of use of the building and with particular regard to noise, disturbance and parking.

Reasons

5. The appeal site features a detached 2-storey building set behind a short paved garden enclosed by a low wall. Private amenity space is present to the rear of the building, which is currently divided into 4 flats. The accommodation lies between a terrace of houses and a block of 4 flat-roofed garages set behind the corner property at 36 Chester Road.

6. Chester Street consists primarily of long residential terraces. It is located between 2 radial routes extending from the city centre, which is a short distance to the east.
7. The extension of the building to incorporate 2 additional studio units over that granted in 2021 would result in potential for a greater level of occupancy of the building. Against the approved use of the site for 6 studios and 1 flat, even if the additional studio units incorporated double bed spaces, this would only lead to an additional occupation of some 4 persons.
8. The locality features high-density housing. Furthermore, the appellant's evidence confirms that many buildings have been subdivided. In areas where housing includes a high proportion of smaller unit types accommodating smaller households, the extent of activity as people engage in their daily routines can be reasonably be expected to be higher than for other types of housing.
9. In that context, I find the level of activity associated limited additional number of residents in the locality would not materially affect neighbouring occupiers. As a detached property with a double-bayed frontage, the building benefits from a central entrance positioned away from neighbouring houses. Although there is little evidence to suggest the entrance would necessarily be a congregation point, any focus of activity about that entrance would thereby be less impactful than the predominant arrangement of entrances elsewhere on the street.
10. In the absence of any detail of an acknowledged local problem or formal complaints to the Council or local police, I find there is little to demonstrate that the effects of the increase occupation of the site would harm local living conditions by way of greater levels of noise or disturbance experienced by neighbours.
11. Due to the predominant nature of the housing, residents in Chester Street are largely dependent on on-street parking. There is no dispute between the main parties that the proposal could intensify demand for parking spaces. At the time of my site visit, albeit a snapshot in time, parking levels along the street were observed to be relatively high. However, some spaces remained available. A similar situation was observed in surrounding streets where they are not subject to daytime restrictions.
12. I acknowledge that this may have been during traditional working hours for some such that what was observed was not a full reflection of local parking demand. However, a parking survey carried out by the appellant suggests that evening time parking capacity exists in the vicinity. Whilst I have little doubt that some parking competition is present in the area, there is little evidence provided by the Council to demonstrate its extent or that it results in adverse effects on the living conditions of local residents.
13. Accounting for the close proximity of the site to local services and facilities, the city centre, bus routes on the roads that top and tail Chester Street, and a recently installed cycle route, alternative modes of travel are available to facilitate day-to-day living requirements. Taken with the Council's finding that any additional parking demand would be unlikely to cause an unacceptable impact on highway safety or a severe effect on the highway network, there is

little to demonstrate that adverse effects would arise from the proposed increase in occupation of the building.

14. For the reasons above, I find that there is little evidence to demonstrate that the increased residential use of the site would lead to an adverse effect on the living conditions of local residents as a consequence of noise and disturbance or additional residential parking demand. It would thereby meet the requirements of Policy H5 of the CLP as it supports the renovation of the existing housing stock to meet local needs without compromise to the surrounding residential environment.

Conditions

15. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the National Planning Practice Guidance in terms of the use of planning conditions. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
16. In the interests of preserving the character and appearance of the locality matching external finishes to the extensions and the provision of bin storage are necessary. To encourage sustainable forms of travel, a requirement for secure cycle storage is reasonable. To preserve or enhance biodiversity, the recommendations of the site ecological assessment shall be implemented in relation to bird nesting opportunities.
17. To protect the living conditions of neighbouring occupiers, a condition requiring obscure glazing to side-facing windows and a condition limitation to the nature of the residential occupation are necessary and reasonable.
18. A condition preventing changes to the building's front elevation would not pass the test of necessity in the particular circumstances of the case.

Conclusion

19. For the reasons given, I conclude that the appeal should succeed.

R Hitchcock

INSPECTOR

Schedule of conditions to planning permission Ref. FUL/2022/0242.

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20/021/P01 Rev. C Sheets 1 and 2.
- 3) Other than where specified on the approved plans, no facing and roofing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.
- 4) 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 of the extended building and thereafter those facilities shall remain available for that use at all times and shall not be removed or altered in any way.
- 5) 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.
- 6) Prior to the first occupation of the development hereby permitted bird boxes shall be installed in strict accordance with the details shown in the Martin Ecology Preliminary Ecological Appraisal for 34 Chester Street, Coventry CV1 4DJ, dated 21 July 2021. Once installed they shall be retained and shall not be removed or altered in any way.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory instrument amending, revoking and/or replacing that Order, the 1st floor windows to be formed in the south west and north east facing elevation of the extension hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window will be at least 1.7m above the floor of any room in which the window is installed.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any order revoking and re-enacting that Order with or without modification, the residential accommodation hereby permitted shall be occupied only as dwellings falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any order revoking and re-enacting that Order with or without modification, and for no other purpose; and for the avoidance of doubt there shall be no permitted change to Use Class C4 of the schedule to that Order.

END.