



Appeal Decision

Site visit made on 31 May 2023

by Helen Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/U4610/W/23/3314773

12 Sheriff Avenue, Coventry CV4 8FD

- 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 Avtar Singh against the decision of Coventry City Council.
 - The application Ref FUL/2022/2611, dated 22 September 2022, was refused by notice dated 30 November 2022.
 - The development proposed is described as “use of outbuilding to provide 2 bedrooms in association with the use of the property as 7-bed HMO.”
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would provide satisfactory living conditions for its occupants, with regard to access to shared communal and kitchen facilities, and outdoor amenity space; and
 - the effect of the proposal upon highway safety, with particular regard to on-street parking, and the living conditions of neighbouring occupants, with regard to noise and disturbance.

Reasons

Living Conditions of occupants

3. The appeal site comprises a two-storey end terraced property located at 12 Sheriff Avenue (No 12). No 12 is currently in use as a 7-bedroom House in Multiple Occupation (HMO). The property has a detached outbuilding sited within its rear garden.
4. Permission is sought to change the use of the outbuilding to provide two additional ensuite bedrooms for the existing HMO. However, future occupants of the proposal would be reliant on No 12's main building for use of the communal kitchen facilities and dining areas.
5. I observed during my site visit that the main building has a room with kitchen facilities and dining area on its ground floor and on its first floor. Nevertheless, to access the kitchen facilities and dining areas within the main building, the proposal's occupants would have to go outside and walk across the outdoor amenity space located to the rear of the main building and unlock a side gate before entering the main building at either its side entrance or front entrance.

6. Therefore, as a result of the physical separation, the connection between the proposed development and the main building's kitchen and dining areas would be disjointed, lacking direct access for future occupants. Additionally, occupants would need to go outside in all weather conditions and during different times of the day, including hours of darkness, to access the kitchen and communal facilities. As such, it would not be convenient or practical for future occupants to rely on the main building for facilities such as kitchen and dining/living room space.
7. The appellant indicates that many halls of residences require occupants to walk to a dining area or to use communal facilities. However, in this appeal case the occupants would be required to venture outdoors, braving all weather conditions and darkness, in order to reach these facilities. Consequently, the proposal would not be sufficiently functional to meet the occupier's typical day to day needs for the reasons given.
8. Occupants of the proposal would have access to the outdoor amenity space located to the rear of the main building. This space would be shared with the existing occupants of the main building.
9. The Council's HMO Development Control Guidelines states that adequate private amenity space should be provided at the rear of the property at the rate of at least 30sqm for up to 4 units, plus 5sqm for each additional unit (exclusive of car parking). As the proposal would increase the number of bedrooms at the HMO property to 9 bedrooms, a minimum of 55sqm of amenity space would need to be provided.
10. No 12 provides around 105.65sqm of outdoor amenity space, exclusive of parking provision. The Council suggest that the planted area at 16.3sqm and the cycle storage at 3.27sqm should be subtracted from this total. Even if I were to agree with this suggestion, this would still leave an area of around 86.08sqm, which is clearly more than the minimum required. Furthermore, I observed during my site visit that the space did not have a constrained layout; it was a wide rectangular shape that was paved with hardstanding material and free from clutter. As such, I conclude that the outdoor amenity space would be of sufficient size and layout to provide a useable outdoor amenity space for its existing and future occupants.
11. For the reasons given above, the proposal would fail to accord with Policy DE1 of the Coventry City Council Local Plan (2017) (Local Plan). Amongst other things, this policy seeks high quality design and attention to detail in the layout of developments, in terms of function and impact, over the lifetime of the development. It would also fail to accord with Policy H11 of the Local Plan, which amongst other things, seeks to ensure the amenity value and living standards of future occupants of the property, having specific regard to internal space.
12. In addition, the proposal would fail to accord with the National Planning Policy Framework (Framework) design objectives, in particular paragraph 130, where it seeks to promote health and well-being, and a high standard of amenity for existing and future users.

On-street Parking issues and living conditions of neighbouring occupants

13. No 12 is set back from the road with a frontage that is currently used for off-road parking provision for at least two vehicles. Cycle provision would be provided within the rear outdoor amenity area of No 12.
14. The Council indicate that the proposal would require 1 additional parking space at the property, based on the Council's adopted parking standards. However, the Highways Authority have confirmed that the appellant's parking survey has demonstrated that sufficient capacity exists in the form of on-street parking and therefore have no objection to the proposal, subject to a condition for the provision of additional cycle storage for the proposal's additional occupants.
15. The Council is concerned that the proposal would add to on-street parking demand in an area where they consider there are already parking issues. However, the occupiers of the proposal would not be reliant on a private motor vehicle to access services and facilities given the sustainable location of the appeal site and the provision of cycle storage and good access to nearby bus stops. In addition, future occupants would be aware of the parking constraint at the appeal site prior to choosing to live there. No compelling evidence has been submitted to demonstrate that the proposal would result in a displacement of vehicles in the vicinity of the appeal site which would in turn cause substantial amenity issues.
16. Paragraph 111 of the Framework is clear that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. I am mindful that the Highways Authority did not object to the proposal. As such, I find that the proposal would not result in a harmful effect on parking provision and highway safety in the area.
17. The Council state that there are approximately 13 properties within the vicinity of the appeal site that have been converted to an HMO. Nevertheless, I have not been presented with any substantial evidence to indicate that there is an over-concentration of HMOs within the vicinity of the site and the appeal site is already operating as an HMO.
18. The proposal would create two additional bedrooms. In my view, the level of activity generated by the occupant's comings and goings for education, leisure, and shopping purposes etc would not be significantly different to what is experienced now from the existing HMO, given its good access to sustainable modes of transport. A large family could also generate considerable activity in the form of comings and goings and vehicular movements. I also note that the Council's Environmental Protection team has not raised any objections to the proposal in terms of noise or disturbance.
19. In the absence of substantive evidence to the contrary, the proposal would not be harmful to highway safety, with particular regard to car parking. The proposal would also not cause unacceptable harm to living conditions of neighbouring occupants with regard to noise and disturbance. As such, for this main issue, the proposal would accord with Policies H10, H11, DE1 and AC3 of the Local Plan. Collectively, these policies seek to ensure development does not materially harm the amenities of occupiers of nearby properties, including the provision of suitable parking provisions.

Other Matters

20. I saw that the HMO provided good quality accommodation, and that the occupants have good access to services and facilities in the local area. However, these matters are not sufficient to outweigh the harm that I have identified.
21. Whilst the proposal would provide an acceptable level of bedroom floorspace relevant to housing space standards, this consideration does not outweigh the conflict that has been identified with the development plan.

Conclusion

22. I have found no harm in respect of the effect of the proposal on the living conditions of occupants with regard to outdoor amenity space, and highway safety, with particular regard to on-street parking, and the living conditions of neighbouring occupants, with regard to noise and disturbance. However, this is a neutral effect and does not outweigh the harm resulting from the proposal's failure to provide satisfactory living conditions for its occupants with regard to communal kitchen facilities and dining/living space.
23. The proposal conflicts with the development plan as a whole, and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

Helen Smith

INSPECTOR