



Appeal Decision

Site visit made on 7 June 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 09 August 2023

Appeal Ref: APP/U4610/W/23/3315928

147 Northfield Road, Coventry CV1 2BQ

- 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 Grant Topham of Charterhouse Estates against the decision of Coventry City Council.
 - The application Ref FUL/2022/2902, dated 13 October 2022, was refused by notice dated 13 December 2022.
 - The development proposed is the 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 (CLP). However, the information provided indicates the CLP was adopted in late 2017. For clarity, I confirm I have determined the appeal based on the policies provided by the Council with its appeal questionnaire.

Main Issues

3. The main issues are: the effect of the proposal on the living conditions of future occupants of the proposed development and neighbouring residents with particular reference to privacy; and parking provision.

Reasons

Living conditions

4. The proposal involves the conversion of an existing repair shop into student accommodation. There has been a previous appeal decision for this property¹. Like the previous scheme, the proposed three units would be in a line with main doors and ground floor windows serving living rooms in the east elevation. The windows would look out onto a walkway which would provide access to each unit as well as to the rear of neighbouring properties via a right of way. A communal amenity space to serve the proposed dwellings would also be close to these proposed ground floor windows.
5. The previous Inspector found that 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 and as a large part of the ground floor interior would

¹ APP/U4610/W/22/3297695

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. As a result, he concluded that the proposal would not provide appropriate living conditions for the future occupiers of the units in terms of privacy.

6. The appellant has made changes to the east elevation to reduce the original full height windows to a more traditional window form, to provide a solid doorway for each unit and to provide landscaping below the windows serving the proposed living rooms. However, notwithstanding the changes, although the windows would allow adequate light into the houses, there would still be clear views through the windows serving the main living rooms of each house from both the walkway and from the amenity area. The proposed landscaping below the windows would not adequately ameliorate this issue. As a result, the proposal would result in unacceptable harm to the living conditions of future occupants of the student houses.
7. The reasons for refusal indicate that the proposal would also be detrimental to neighbours. However, neither the officer's delegated report (report) nor the Council's appeal statement (statement) indicates which neighbours would be affected. Further, the report indicates that they respect the view of the previous Inspector who found that the relationship between Willowbank Mews and the proposed student houses would be acceptable. I agree and the proposal would not have an adverse impact on the living conditions of the occupants of Willowbank Mews or other surrounding properties. However, that finding does not justify the harm that the proposal would have on the living conditions of future occupants.
8. I therefore conclude that the proposed development would unacceptably harm the living conditions of future occupants of the proposed development with particular reference to privacy in conflict with Policies DE1 and H5 of the CLP which seek to ensure development proposals achieve a high quality design that provide a satisfactory residential environment. It would also conflict with the National Planning Policy Framework which seeks to ensure that developments create places with a high standard of amenity for future users.

Parking Provision

9. Despite the finding of the previous Inspector, the Council have once again indicated in their statement that the proposal requires five car parking spaces. However, like the previous Inspector, given the nature of the proposed development and its location close to the University, three parking spaces would be adequate to serve the proposal.
10. No parking would be included as part of the proposed development. Instead, the appellant relies upon the terms of a unilateral undertaking and the allocation of three spaces on the nearby car park to Willowbank Mews. The undertaking has been signed and dated and I am satisfied that it would be effective in securing the obligation.
11. The Council highlight that the Willowbank Mews development is already under-provided in terms of parking provision and that 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 three spaces could be accommodated.

12. At the time of my site visit there was some capacity at the Willowbank Mews car park. However, that observation is not determinative as that could be due to many reasons, such as the time and date of my visit. Importantly, like when the previous Inspector was considering the last appeal, there is no evidence, such as a parking capacity survey, that either definitively supports or contradicts this claim. In any event, even if I was persuaded that there was under-utilisation at Willowbank Mews car park there is no certainty that would continue. I am therefore not persuaded that the proposed allocation of spaces would avoid a displacement of parking onto local roads.
13. At the time of my site visit, there was significant demand for on road parking and again a snapshot at a certain time is not determinative, but I agree with the previous Inspector that on road parking pressure is likely to be significant given the high proportion of properties without private parking and parking restrictions in the area. But I also agree that traffic associated with the proposal would only marginally add to this demand and problems of parking availability. It is notable that again the Council has raised no highway safety concerns in relation to any additional parking generated by the development.
14. I therefore conclude the proposal would not provide sufficient parking provision and consequently would not accord with Policy AC3 of the CLP. Amongst other things, this requires development proposals to be assessed against the Council's parking standards as set out in Appendix 5 – Car and Cycle Parking Standards for New Development. However, like the previous Inspector the weight I attach to this conflict with the development plan is tempered by the lack of identified harm.

Other Matters and Planning Balance

15. The proposal would result in the re-use an old commercial building which as recognised by the Council is increasingly incongruous within this predominantly residential area. Also, it would provide additional student accommodation near to the university, as generally promoted by Policy H10 of the CLP. As a result, like the previous Inspector the benefits in relation to these matters are sufficient to outweigh the limited harm identified in respect of parking provision. However, my finding in relation to this matter and any benefits associated with the re-use of the old commercial building are outweighed by the unacceptable harm the proposal would have on the living conditions of future occupants of the proposed development.

Conclusion

16. Overall, for the reasons given above, I conclude that the proposal would conflict with the development plan taken as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR