



Appeal Decision

Site visit made on 8 November 2023

by H Smith BSc (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/U4610/W/23/3319708

5 Blackthorn Close, Coventry CV4 7DQ

- 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 Yiu Keung against the decision of Coventry City Council.
 - The application Ref FUL/2022/2988, dated 21 October 2022, was refused by notice dated 14 February 2023.
 - The development proposed is a 7-bedroom HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a 7-bedroom HMO at 5 Blackthorn Close, Coventry CV4 7DQ in accordance with the terms of the application, Ref FUL/2022/2988, dated 21 October 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development above is taken from the application form which tallies with that on the decision notice. The appellant's statement indicates the proposal is retrospective.

Main Issues

3. The main issues are the effect of the proposal on:
 - the living conditions of neighbouring occupants, with particular regard to noise and disturbance;
 - highway safety, with respect to on-street parking; and
 - the character and appearance of the surrounding area.

Reasons

Living Conditions

4. The appeal site comprises a large detached two-storey dwelling located in a residential cul-de-sac of detached houses. It is located within a predominantly residential area within walking distance of Cannon Park Shopping Centre and the University of Warwick campus.
5. The proposal seeks permission for a 7-bedroom House in Multiple Occupation (HMO). I accept that the occupants would live independently of one another, which is different to a family house. However, given the size of the appeal property, the level of activity generated by the additional occupant's comings and goings for education, work, leisure, and shopping purposes etc, and the number of visitors and deliveries to the property would not be significantly

different to that generated by one large extended family household. I am also mindful that the property could be occupied by 6 people without the requirement for planning permission. Therefore, I do not consider that one additional occupant would make a notable difference in activity.

6. Furthermore, the appeal property is a sizeable, detached property sited in a wide, deep plot with a frontage and a large enclosed rear garden. In addition, the proposed internal layout shows that the main communal areas such as the large kitchen/diner and front entrance would be located centrally within the appeal property. This means that the areas that would have the greatest levels of activity and comings and goings would be positioned away from neighbouring properties, ensuring minimal disruptions from resident activity. It is also unlikely that all the residents would be using the communal areas together at any given time. Disturbance from vehicle engines starting could equally happen at other properties within the street.
7. I acknowledge that the appeal property is located within a small cul-de-sac. However, given its detached nature with adequate separation distances from neighbouring dwellings, and the relatively minor increase in occupants proposed, in my opinion, the proposed development would not lead to a significant increase in noise and disturbance. This is reinforced by the absence of any historical evidence of noise and disturbance at the appeal property, or any specific evidence that such problems exist in the area. In addition, the Council's Environmental Protection Officer raises no objection to the proposal.
8. Consequently, the proposal would not result in a significant intensification of the appeal property or lead to noise and disturbance over and above the existing lawful use of the appeal property as a large family dwelling, or as a permitted development for a 6-person HMO.
9. I therefore find that there is insufficient evidence to substantiate the Council's concerns that the proposal would increase noise and disturbance in the local area. In addition, there are separate protections to address noise and the local authority and Police have powers to deal with such nuisance behaviours should they arise.
10. Nevertheless, as the proposal would be for 7-bedrooms, I will impose a condition to limit the total number of residents to 7 in order to control the effect of the proposal on the locality.
11. For the reasons given, the proposal would not have a harmful effect on the living conditions of neighbouring occupants with particular regard to noise and disturbance. As such, the proposal would accord with Policies DE1, H5 and H11 of the Coventry City Council Local Plan (2017) (Local Plan). Collectively, these policies, amongst other things, seek to ensure development respects their surroundings and provides a satisfactory residential environment by protecting the amenities of occupiers of nearby properties. It would also accord with paragraph 130 of the National Planning Policy Framework (Framework), where it seeks to promote health and well-being and a high standard of amenity for existing and future users.

Highway Safety

12. The appeal property is set back from the road and has a front garden area and a forecourt that provides 2 off-road parking spaces. The proposal would also provide cycle storage to the rear of the property.
13. The Council indicate that the proposal would require 4 additional parking spaces at the property, based on the adopted parking standards. However, I note that the parking standards in Table 1 of Appendix 5 of the Local Plan states that for sui generis uses "parking provision will be considered on a site by site basis." As the proposal is for a 7-bedroom HMO, this would be classed as a sui generis use according to the Town and Country Planning (Use Classes) Order 1987 (as amended).
14. The Highway Authority are content that the appellant's parking survey shows that the additional parking demand can be accommodated on-street, following consideration of the parking zone restrictions in the local area. Accordingly, the parking survey has demonstrated that there would be sufficient on-street parking available within the locality, and there would not be a severe impact upon the highway network.
15. As explained above, the appeal property in its current form could be occupied by a large extended family or as a 6-person HMO. Such uses could have a high level of car ownership with its associated parking demand. As such, the proposal before me, for one additional occupant, would not be significantly different to that of a large family or a 6-person HMO with regard to off-road parking demand. Moreover, the appellant's parking survey indicates that the proposal would be mostly suitable for students, who are less likely to choose to keep a car at the property given the proximity to the university.
16. During my site visit I observed that the appeal property is within easy walking and cycling distances of local services and facilities. Indeed, the appellant states that Cannon Park District Centre is approximately a 5 minute walk or 2 minute cycle ride away, and the University Science Park and Warwick University Campus are approximately a 15 minute walk or a 5 minute cycle ride away. There are also bus stops within walking distance of the site providing bus routes to the city centre. Thus, future occupants of the proposal would not be reliant on a private motor vehicle to access services and facilities given the sustainable location of the appeal property and the provision of cycle storage and good access to public transport.
17. 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 Highway 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.
18. For the reasons given and in the absence of substantive evidence to the contrary, the proposal would not exacerbate on-street parking to the extent that neighbouring residential amenity would be materially harmed. As such, the proposal would accord with Policy AC3 and Appendix 5 of the Local Plan, which amongst other things, seeks to ensure development includes suitable parking provision.

Character and Appearance

19. The proposal would not result in any external alterations or enlargements to the appeal property. At the time of my site visit the property was generally well maintained and was reflective of its suburban location. There was nothing to particularly differentiate it from other properties on the street. I also note that the submitted plan shows cycle storage and waste bins to be stored to the rear of the property and this could be secured by a suitably worded condition. Furthermore, the designated parking area would be available to the front of the house as on other properties on the street. Consequently, with no substantive reasoning to the contrary, I cannot conclude that the proposal would have a harmful effect on the character and appearance of the surrounding area.
20. Accordingly, the proposal would not have a harmful effect on the character and appearance of the surrounding area. As such, the proposal would accord with Policies AC3, DS3 and H11 of the Local Plan. Collectively, these policies, amongst other things, seek to ensure sustainable development that protects the character and appearance of the area.

Other Matters

21. I have had regard to the previous appeal decision ref: APP/U4610/W/20/3257307 where the Inspector found that the proposed use of the property would lead to significant noise and disturbance to adjacent residents and harm the character of Blackthorn Close. However, this other proposal was for the conversion of the property to 5 residential units comprising of 1 flat, 3 studios and 1 cluster flat comprising of 3 bedrooms. Therefore, this other proposal was for a different mix of residential accommodation that could have resulted in a greater number of occupants. Consequently, this other decision is not fully comparable with the proposal before me. I have dealt with this appeal on its own merits based on the evidence before me and my site observations.
22. In addition to the issues already covered above, a number of other concerns have been raised including in relation to a concentration of HMOs within the local area, and concerns regarding the type of people who would occupy the appeal property. I have given careful consideration to these matters but based on the information provided they would not constitute reasons to dismiss the appeal.

Conditions

23. A commencement condition and a condition requiring the development is carried out in accordance with the approved plans are necessary in the interest of certainty. Conditions 3 and 4 are necessary in the interests of neighbouring living conditions. A condition relating to cycle storage is necessary for sustainable transport purposes. I have also imposed a condition for bin storage facilities to reduce visual clutter of the street scene.

Conclusion

24. For the reasons given, I conclude that the appeal is allowed.

H Smith

INSPECTOR

Schedule of Conditions

- 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:
 - Existing Plans and Proposed details – drawing no: 8055/10 (Oct 2022)
- 3) The development hereby permitted shall be occupied by no more than 7 residents at any time.
- 4) Prior to the first occupation of the use hereby permitted, a Resident's Management Plan shall have been submitted to and approved in writing by the local planning authority, which sets out clear arrangements for refuse management and tenant's obligations, such as anti-social behaviour, disciplinary procedures and Health & Safety. Thereafter the use shall only operate in accordance with the approved details.
- 5) The development shall not be occupied until bin storage facilities have been provided and made available for use in accordance with the approved drawings and thereafter those facilities shall remain available for use at all times.
- 6) The development shall not be occupied until cycle storage facilities have been provided and made available for use in accordance with the approved drawings and thereafter those facilities shall remain available for use at all times.

****End of Conditions****