



Appeal Decision

Site visit made on 11 December 2023

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2024

Appeal Ref: APP/U4610/W/23/3327326

5 Highwaymans Croft, Coventry CV4 7EA

- 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 Mrs Annie Zhang against the decision of Coventry City Council.
 - The application Ref PL/2023/0000343/FUL, dated 16 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is change of use from a single dwelling to a 7 bedroom HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a single dwelling to a 7 bedroom House in Multiple Occupation (HMO) at 5 Highwaymans Croft, Coventry CV4 7EA in accordance with the terms of application reference PL/2023/0000343/FUL, dated 16 February 2023 subject to the following 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: 713306B
 - 3) The development hereby permitted shall be occupied by no more than 7 permanent residents at any time.
 - 4) Prior to occupation of 5 Highwayman's Croft 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 building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.
 - 5) Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh. One electric vehicle recharging point per dwelling shall be provided prior to occupation and shall not be removed or altered in any way and shall be kept available for such use by residents at all times.

Main Issues

2. The main issues are:
 - The effect on the character of the area.

- The effect on the living conditions of neighbouring occupiers with regards noise and disturbance.
- The effect on car parking in the area.

Reasons

Character

3. The appeal site is a 2 storey detached dwelling located in a cul de sac within a residential area within walking distance of Cannon Park District Centre and the University of Warwick campus. A neighbouring property hosts a licensed HMO.
4. There would be no external changes to the property as a result of the development and there is little before me to suggest that the change of use would have a detrimental impact on the existing character of the area. As such the proposal would not conflict with Policy H11 of the Coventry Local Plan 2016 (Local Plan) which amongst other things does not permit HMOs in locations where it would materially harm the character of an area. It would also not conflict with the part of Policy DE1 of the Local Plan that requires all development proposals to respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Living Conditions

5. At the time of my site visit the location of the proposed development had the character of a quiet residential area. Based on the evidence before me, there is little to indicate that the occupation of the dwelling by 7 residents would result in a significant increase in noise or disturbance for occupiers of neighbouring dwellings due to the comings and goings of the separate households. The patterns of behaviour of the proposed occupants may be different to a single family but the development would be small in scale. The presence of an existing HMO in the vicinity does not alter my view.
6. There is little before me to substantiate the Council's claim that there would be an adverse effect on the living conditions of neighbouring residential properties. Therefore it would not conflict with the part of Policy H11 of the Local Plan which does not support HMOs where it would materially harm the amenities of nearby residents. There would also be no conflict with paragraph 135 of the National Planning Policy Framework which promotes health and well being, with a high standard of amenity for existing and future users.

Parking

7. The site can currently accommodate 2 parking spaces to the front of the dwelling, less than the 6 identified as being required by the Council. I also note the parking restrictions on surrounding roads at certain times. Nevertheless, the development is intended for student use and evidence submitted by the appellant identifies that car use by students at the nearby university is very low. The site is in an accessible location, within walking distance of the university and services and facilities at Cannon Park District Centre. There is also access to public transport. Given the accessibility of the site and the number of proposed occupants there is little to suggest that the development would significantly increase any parking related problems in the area. I note that the Highways Authority has not raised an objection to the proposal.

8. Based on the evidence before me the development would not increase car parking problems in the area. As such it would not conflict with the part of Policy H11 of the Local Plan that does not support HMO development where it would materially harm the amenities of the occupiers of nearby properties, including suitable parking provision.

Conclusion

9. For the reasons identified I conclude that the development should be allowed and planning permission granted subject to necessary planning conditions.
10. In attaching conditions I am mindful of paragraph 56 of the National Planning Policy Framework which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects.
11. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty (condition 1,2). A condition limiting the occupancy of the development to no more than 7 people at any one time is necessary to safeguard the living conditions of neighbouring occupiers (condition 3). A condition requiring the provision of cycle parking at the development is necessary to facilitate travel by sustainable modes of transport (condition 4). A condition related to the installation of an electric vehicle charging point and any gas boiler at the site is necessary to mitigate the impacts of the development on air quality (condition 5).

K Ford

INSPECTOR