



Appeal Decision

Site visit made on 3 April 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th May 2024

Appeal Ref: APP/U4610/W/23/3332845

8 Bransford Avenue, Coventry CV4 7AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Yang against the decision of Coventry City Council.
 - The application Ref is PL/2023/0000413/FUL.
 - The development proposed is single storey rear and side extension to create a 7 person H.I.M.O.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted an amended block plan showing one of the parking spaces at the front of the site re-positioned to provide pedestrian access from the pavement to the front access door of the property. Annex E of the Procedural Guide – Planning Appeals – England advises that if an applicant thinks that amending their application proposals would overcome the Council's reasons for refusal, they should normally make a fresh planning application. The appeal process should not be used to evolve a scheme. In considering whether to accept the additional information, I have had regard to Holborn Studios Ltd¹.
3. The amended plan would not result in a fundamental change to the nature of the proposal over what was considered at the planning application stage. The Council has had an opportunity to comment on the amended plan as it was submitted with the appeal and the change would, also, not alter the effect of the proposal on the neighbouring residents. Consequently, no party would be unfairly prejudiced and, I have, therefore, considered the amended block plan in determining this appeal.
4. A revised National Planning Policy Framework (the Framework) came into force on the 19 December 2023 with a further change published on 20 December 2023. The paragraphs most pertinent to this appeal are unchanged, other than their numbering. Having considered the changes, and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

5. The main issues are:

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- the effect of the proposal on the character and appearance of the existing property and the area, with particular reference to use of the site as a house in multiple occupation (HMO);
- whether the proposal would provide suitable pedestrian access to the property.

Reasons

Character, appearance, and use

6. The host property is a detached, two-bedroom, bungalow on the corner of Bransford Avenue and Blackthorn Close. It lies within the Cannon Park Estate which is made up of detached houses and bungalows. The host property is one of a row of bungalows on this side of Bransford Avenue which all have similar design and layout details. There are also similar bungalows on Aldrin Way. The estate is open and benefits from green spaces and green corners on junctions and the groups of similarly designed houses contribute to the pleasant character and appearance of the area.
7. I am aware that Coventry City Council has introduced a direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995, as amended. From the evidence before me, where a scheme proposes development consisting of a change of use of a dwelling to a use falling within Class C4 (small HMO), the direction requires planning permission to be applied for. The Article 4 is not a blanket restriction on HMOs, it requires planning permission and consideration of such proposals against the adopted policy.
8. Policy H11 of the Coventry City Council Local Plan, adopted 2017 (LP), seeks to resist the conversion of existing homes into HMOs where the proposal would, amongst other matters, materially harm the appearance or character of an area and the living conditions of occupiers of nearby properties. Policy DE1 of the LP is a general design policy which seeks to ensure that development respects and enhances its surroundings, responds to physical context, and considers local distinctiveness.
9. The area is residential and the proposed use, albeit as an HMO, would continue to be residential. However, the proposal includes extensions to the front and rear of the property to significantly enlarge the existing dwelling to enable the provision of seven en-suite bedrooms and a kitchen/living room.
10. The existing dwelling is a small bungalow, and the size of the existing property would restrict the level of occupation. The Article 4 Direction would require a planning application for conversion to an HMO. Furthermore, the existing building could not be used as a six-bedroom HMO without extensions and alterations, which would require planning permission.
11. Consequently, there is no real prospect of the existing two-bedroom property being used as a six-bedroom HMO. The increase in the number of occupants that would result from the proposed development would be substantially greater than the one additional resident asserted by the appellant and substantially greater than the existing dwelling.
12. That the extended property could be used by a large or extended family would also require the extension and alteration of the property. Moreover, a 7-bedroom HMO would result in a significantly different form of housing and

would result in seven separate households. Unlike a single-family unit, where there would be likely to be some shared movements and schedules, the occupants of the HMO are likely to all have different schedules, make separate trips, and receive individual visitors and deliveries. In comparison to a single dwelling, even if it were to be occupied by a similar number of people, this would be likely to result in an increase in comings and goings at various times of the day. The change of use would be perceived by the occupants of the surrounding houses and would be harmful to the character of the area.

13. The proposed extension to the front would fill in most of the set-back that is currently provided by the position of the garage in relation to the house. The existing deep set-back is characteristic of the bungalows on Bransford Avenue and those on Aldrin Way, albeit that the appeal property is not visible from Aldrin Way.
14. Although a small set-back would be retained the proposal would harmfully alter the appearance of the front of the dwelling. The flat roof extension at the front would be prominent and would draw attention away from the original property. That there are other, larger, properties on the estate, would not justify the proposed extension or the harm to the street scene. Furthermore, although the front extension would not project onto the space around the corner, there are other corner plots, including the bungalow on the opposite side of Bransford Avenue and the bungalow on the corner of De Montfort Way, which have not been extended and have retained the set-back of the garage.
15. The proposed alterations and additions would be out of keeping with the street scene and the group of bungalows in which the property sits. Therefore, the proposal would not be of good design and would be harmful to the character and appearance of the area.
16. Although the property would remain in residential use, it would be significantly altered. The changes required, to enable the use as a 7-bedroom HMO, would be distinguishable from the outside. The potential occupancy of the HMO would be significantly different to the level of occupancy of the existing dwelling and the use of the property would be different. This change would be perceptible and harmful to the residential character of the area, specifically the row of bungalows either side of the host property.
17. The proposal would not retain the dwelling in a form that is physically similar to the other bungalows on the street, or in the wider estate, even though there are other HMOs and flats across the estate. The proposed use would, therefore, substantially, and harmfully change the character of the host property within the street scene.
18. For the above reasons, I find that the proposal would adversely affect the character and appearance of the existing property and the area, with particular reference to use of the site as an HMO. The harm to the character of the area would be contrary to policies DE1, H5, H9 and H11 of the LP. Taken together, these policies seek to ensure that development respects and enhances its surroundings, considers local distinctiveness, is of high-quality design, renovates and improves existing housing stock in association with the enhancement of the surrounding residential environment and makes effective use of land whilst ensuring compatibility with the quality and character of the area. The policies also resist conversions to HMO use where it would materially harm the character of an area.

19. For the same reasons, the proposal would fail to comply with the guidance set out in the Framework in not achieving the creation of high-quality places that add to the overall quality of the area, are visually attractive, sympathetic to local character and maintain a strong sense of place.
20. The Council also referred to Policy H3 of the LP in the first reason for refusal. However, Policy H3 relates to the provision of new housing and as the appeal before me does not propose any additional housing, this policy is not relevant to my consideration of the appeal.

Pedestrian access

21. The amended plan submitted with the appeal re-positions one of the proposed parking spaces at the front of the site to provide pedestrian access to the front door of the property. I saw at my visit that this area is already hard surfaced with block paving. Even if I were to accept the Council's figures that the parking area is 6.4 metres in depth, this would provide sufficient space for a parking space of 4.8 metres deep and also provide a gap between the back of the parking space and the corner of the existing building, without creating an unacceptable pinch point.
22. The gap would be sufficient for residents with reduced mobility would also be sufficient for those with a pushchair or bicycle. The amended plan, therefore, demonstrates that appropriate pedestrian access is available from the pavement on Bransford Avenue to the main access door at the front of the property, including when the parking spaces would be in use.
23. Notwithstanding the concerns of the local residents regarding the amount of parking provided and the reliance on on-street parking, this matter did not form part of the reason for refusal. Neither did the Council raise any concerns regarding pedestrian safety outside of the site.
24. I, therefore, find that the proposal would provide suitable pedestrian access to the property, and, in regard to this main issue, I find no conflict with Policies AC3, DE1 and H11 of the LP which, amongst other matters, require the provision of car parking, seek to ensure that places are easy to move through, with clear routes, and provide appropriate living conditions for the future occupants of the property.
25. There would also not be a conflict with the guidance on pedestrian safety and highway matters provided within the Framework.

Other Matters

26. The appellant has drawn my attention to a number of other HMOs and flat developments within the area, some of which were determined at appeal. Although the appellant seeks to draw parallels, I have not been provided with the full detail of each case or the full appeal decisions, where relevant. I visited each of the addresses referred to at the time of my visit, and I have considered the information submitted by the appellant.
27. The sites at 28 Old Mill, 76 Bransford Avenue, 36 Cannon Hill Road, 34 Cannon Hill Road, 4 Thimbler Road, 5 Chancellors Close and 26 Thimbler Road, albeit all proposing similar occupancy levels to the appeal before me, were all considered as a change of use and, from the evidence, did not include extensions to the properties to enable the change of use. As such these

decisions are all materially different to the appeal before me which includes a significant increase in the occupancy level of the property from what is existing.

28. The development at 272 Charter Avenue was a new build unit within the side garden of the existing building. 86 Walsall Street included some extensions and alterations, though I saw at my visit that these are subservient to the original dwelling and the property is still read as a single unit which respects the character of the street scene. The appeal at No. 1 Squires Way was also considered as a change of use and although the property appears to have been extended, I have no substantive evidence that these additions were carried out as part of the change of use. These three developments are, therefore, also materially different to the appeal scheme.
29. The only directly comparable site is the development at 1 Aldrin Way where the original bungalow has been extended to provide an 8-bedroom HMO. However, from the appellant's summary the Council did not raise any concerns regarding the character of the area, including from the use as an HMO. Moreover, I saw the bungalow at 1 Aldrin Way is one of two that have a different form, layout, and appearance to the bungalows either side of the appeal site, or the others on Aldrin Way. Consequently, the development at 1 Aldrin Way is materially different to the appeal proposal.
30. For the above reasons, the decisions referred to by the appellant are all materially different to the appeal before me. Moreover, each scheme must, in any case, be considered on its own merits.

Planning Balance and Conclusion

31. Although the proposal would provide additional housing for students or professionals and add to the mix of housing, this would be provided at the detriment of the character and appearance of the area. The provision of additional housing, even for different groups in the community, is not an over-riding benefit.
32. The site is within walking distance of Cannon Park Shopping Centre, the university and other local services and facilities. There is also public transport available. However, the benefit of the location would be the same for an HMO as it would be for a family dwelling. The location of the property and its accessibility to services and facilities would not justify the harm I have identified to the character and appearance of the area.
33. While I have found compliance with some of the policies, the conflict I have found with others leads me to conclude that there is conflict with the development plan as a whole. There are no other material considerations, including the identified benefits, that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, the appeal is dismissed.

K Townend

INSPECTOR