



Appeal Decision

Site visit made on 17 September 2024

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 October 2024

Appeal Ref: APP/U4610/W/24/3345941

6 Ellys Road, Coventry CV1 4EW

- 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 Kyle Sanders against the decision of Coventry City Council.
- The application Ref is PL/2023/0002476/FUL.
- The development proposed is Change of use (C3) to 7 bed 7 person HMO (C4).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both main parties have referred to the Coventry City Council Homes in Multiple Occupation (HMO) Development Plan Document (DPD) which has reached the main modifications stage following submission to the Planning Inspectorate. Paragraph 48 of the National Planning Policy Framework (the Framework) advises that weight may be given to relevant policies in emerging plans according to the stage of preparation and that the more advanced its preparation, the greater the weight that may be given. Although this DPD has not yet been adopted it has reached an advanced stage. Consequently, I have given weight to the DPD.

Main Issues

3. The main issues are:
 - The suitability of the proposed development, having regard to the development plan's approach to the provision of Houses in Multiple Occupation (HMOs); and
 - The effect of the proposal on the living conditions of neighbouring occupiers, with regard to parking congestion.

Reasons

Suitability of development

4. The appeal site is a semi-detached, three storey, dwelling on Ellys Road which is a street of detached, semi-detached and terrace houses in the Radford area of the city. The area is predominately residential but includes some commercial uses on Sandy Lane.
5. Policy H11 of the Coventry City Council Local Plan, adopted December 2017, (the LP) seeks to ensure that the development of purpose built HMOs or conversion of existing properties into large HMOs is resisted where the proposal

would materially harm, amongst other matters, the amenities of occupiers of nearby properties and the appearance and character of an area. The supporting text to Policy H11 advises of the importance of diversifying the city's housing stock and confirms that concentrations of HMOs will be monitored closely to ensure that any adverse impacts are managed and combated in the most appropriate way.

6. The DPD recognises the important contribution HMOs provide to peoples housing choice, but also the significant effects they can have on existing residents and the need to ensure a mix of housing types in an area. Where HMO concentrations are most noticeable the DPD notes that this changes the nature of communities and neighbourhoods and, consequently, seeks to resist potential harmful concentrations. The DPD provides more detailed advice on the consideration of applications for HMOs to support Policy H11 of the LP.
7. Policy HMO2 of the DPD seeks to prevent new HMOs in areas where the existing concentration is 10% or more of all dwellings within 100 metres radius of the centre point of the application property. It is not the aim of the policy to prevent all new HMOs and the policy would support new HMOs in areas where there is less than 10% concentration. Paragraph 5.9 of the supporting justification of HMO2 advises that the policy seeks to ensure that potentially harmful concentrations do not arise in order to maintain mixed and balanced communities.
8. Paragraph 6.3 of the DPD sets out the approach for calculating the percentage concentration in an area and for identifying HMOs. Stage 1 of this confirms the number of HMOs in any 100 metre area is taken from the centre point of the property but also advises that dwelling houses and HMOs located within blocks of flats or subdivided properties are counted as one property.
9. The DPD sets out how HMOs are identified in Stage 2. However, it also recognises that not all HMOs will be identified through the listed sources of information. The main modifications to the DPD do not fundamentally alter the wording of Policy HMO2 or the advice set out in paragraph 6.3. Consequently, I give the DPD significant weight in this regard.
10. The Council's evidence indicates that the site is within an area where there is already 20% HMO use. The appellant has sought to challenge this figure and suggests that there are 78 properties within 100 metres and that only 11 of them are HMOs. However, although the Council accept these figures this would still equate to over 14% HMO use.
11. The appellant has also sought to argue that each flat in the blocks of flats should be counted individually and that this would increase the number of residential properties within the 100 metre radius to 163 units. However, the DPD is clear at paragraph 6.3 that a block of flats, or other subdivided property, are counted as one.
12. Consequently, taking the figure as required to be calculated by the DPD, even if I accept the appellant's figures of a total of 78 properties, of which 11 are in HMO use, this would still exceed the policy threshold of 10% as set out in HMO2 of the DPD. The proposal would, therefore, result in a harmful concentration of HMOs within this area.

13. Albeit in the city, in a residential area, and in a location where the property would have good access to services and facilities, including bus services, the area is already suffering from a significant concentration of HMOs. The proposal to convert the existing dwelling to an HMO would affect the mix of housing tenures in the area and add to the existing significant concentration, to the detriment of the overall mix in the area.
14. That the proposal would provide an appropriate internal and external arrangement, adequate natural light to all habitable rooms, and sufficient provision for storage of waste would not outweigh the harm that arises from the concentration of HMOs.
15. Moreover, whilst it is unfortunate that the appellant was not able to establish the level of HMOs in the area prior to purchase of the property, or at the time of submitting the lawful development certificate for a small-scale HMO, this would not alter my decision on this main issue. The DPD clearly sets out what information the Council will consider when calculating the level of HMOs within a particular area and the appellant only refers to a limited source of information which is from 26 September 2022 and is, therefore, of some age.
16. For the above reasons, I find that the proposal would not be suitable development, having regard to the development plan's approach to the provision of HMOs and the mix of housing tenures within the area. The proposal would, therefore, be contrary to Policy H11 of the LP and Policy HMO2 of the DPD which, taken together, seek to resist the creation of new HMOs in areas where the development would harm the character of the area and where the concentration of HMOs exceeds 10% of all dwellings within 100 metres.

Living conditions of neighbouring occupiers

17. The appellant asserts that the appeal property would be too large for family occupation. However, the existing property is a four-bedroom dwelling similar to others on Ellys Road which appear to be in use as family dwellings. I have no compelling evidence that the appeal site is not suitable as a C3 use, or even for family accommodation.
18. The existing dwelling could accommodate a large family, an extended family, adults with young children or adults with grown-up children. However, the proposed seven-bedroom HMO provides a significantly different form of housing and would result in seven separate households.
19. Although the potential occupancy of the HMO would not be significantly different to the level of occupancy of the single dwelling, 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.
20. The parking requirements for a 7-bedroom HMO is set out in Appendix 5 of the LP and the proposal would require a maximum parking provision of 5.25 spaces.
21. On-street parking currently takes place on both sides of Ellys Road, except near the junctions at each end where double yellow lines prevent parking and

also except in a couple of sections where properties have off-road parking. There are also electric vehicle charging bays at the St Nicholas Street end though these did not appear to be restricted for electric vehicles only.

22. At the time of my visit, which was during a weekday, I was able to park on St Nicholas Street. Spaces were also available on Ellys Road and other streets around. Although I accept that this is a snapshot in time the appellant has submitted a Parking Survey which indicates that, at the three times visited, there were spaces available on Ellys Road, St Nicholas Street, Sandy Lane and Widdrington Road. The Parking Survey was carried out during two weekday nights and one weekend night in November. In that regard I consider the survey would be representative of a normal nighttime when students and other residents are likely to be at home and, therefore, using the on-street parking.
23. The survey results also showed the greatest number of parking spaces available in St Nicholas Street which is close to the appeal site. Spaces are likely to be available around the corner from the appeal site as there are no houses fronting this part of St Nicholas Street. In my judgement these spaces would not be too far from the appeal property, or any others at this end of Ellys Road to be used by the occupants of the proposed HMO or the neighbours.
24. Although I accept that human nature is to try and park as close as possible to your property, especially in inclement weather or when people have shopping, I have no substantive evidence that the proposed HMO would have a high level of parking demand. The parking requirement of 5.25 spaces is a maximum requirement and no minimums are set.
25. Furthermore, I have no evidence that the parking displacement would be detrimental to the living conditions of other residents on Ellys Road. The evidence before me indicates that there are spaces available in the streets around Ellys Road even if there are not spaces available immediately outside the appeal property. The displacement of on-street parking would not be harmful to highway safety. There may be some disruption to other residents, however I do not have substantive evidence to support the Council's view that the proposal would increase parking congestion or that the harm would be significant.
26. For the reasons given above I find that the proposal would not adversely affect the living conditions of the occupiers of neighbouring dwellings, with regard to parking congestion. Consequently, I find no conflict with the requirement to ensure the provision of suitable parking provisions set out in Policy H11 of the LP or Policy HMO1 of the DPD which, amongst other matters, seeks to ensure that HMO developments do not harm the amenities of neighbours including by impact upon parking provision.

Conclusion

27. While I have found compliance with some of the policies drawn to my attention, 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 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