



Appeal Decision

Site visit made on 8 April 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd April 2025

Appeal Ref: APP/U4610/W/24/3349977

43 Wren Street, Coventry CV2 4FT

- 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 Gary Fu of GFU Construction Ltd against the decision of Coventry City Council.
 - The application Ref is PL/2024/0000260/FUL.
 - The development proposed is described as change of use from a dwelling house (C3 Use) to 6 independent studio bedsits.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwelling house (C3 Use) to 6 independent studio bedsits at 43 Wren Street, Coventry CV2 4FT in accordance with the terms of the application, Ref PL/2024/0000260/FUL, and the plans submitted with it, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Gary Fu against Coventry City Council. This application is the subject of a separate Decision

Preliminary Matters

3. The Council's decision notice refers to a different description of development to that provided by the Appellant on the application form. However, I have not been provided with confirmation from either party that a change to the description of development has been agreed. Accordingly, I have used the original description in my banner heading above and decision.
4. The Appellant's submission states that no external alterations are proposed. However, the 'as built' (Proposed) plans¹ show a dormer window, not shown on the existing elevations². The Council states that whilst similar works in the form of a dormer window were confirmed to be lawful with the issue of a Certificate of Lawful Proposed Use or Development (CLPUD)³, the dormer extension does not appear to have been constructed in accordance with the relevant class of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The Appellant indicates that a separate application has been submitted to regularise works to create an L-shaped dormer. It is not within the

¹ Drawing No: 27/01/2022 09

² Drawing No: 27/01/2022 04

³ Under office reference L/2022/0000165/LDCP: Lawful development certificate for proposed erection of an L-shape dormer window to rear/side roof and addition of two skylights on front roof pitch Granted 11.01.2023

remit of my decision to reach a view as to whether the development complies with the provisions of the GPDO. However, as the dormer window is shown on the proposed plans, I have considered this aspect of the proposal. At my site visit I was able to view the dormer window from the rear garden of the appeal property.

5. It is understood that the appeal site is located in an area covered by an Article 4 Direction. This has the effect of requiring planning permission to be obtained for a change of use from a dwellinghouse to a small House of Multiple Occupation (HMO) for use by up to 6 individuals (Class C3 to C4), which would otherwise be covered by “permitted development” rights under the GPDO.
6. The Council adopted the Homes in Multiple Occupation Development Plan Document (DPD) in March 2025, after its refusal of planning permission. The Appellant and Council were invited to make comments on the DPD.
7. My attention has been drawn to the issue of a Certificate of Lawful Existing Use or Development (CLEUD) for the appeal property as a 6-person HMO in C4 use⁴.
8. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party’s interests would be prejudiced by my taking this approach.

Main Issues

9. The main issues are:
 - i) whether the proposed development would provide acceptable living conditions for the occupiers of Unit 5;
 - ii) the effect on the living conditions of the future occupiers of the proposed residential units, with particular regard to internal space standards;
 - iii) the effect of the development on the mix and balance of housing in the area; and
 - iv) the effect of the proposed development on the character and appearance of the area, with particular regard to the dormer window.

Reasons

Living conditions

10. Principle 24 of the Council’s New Residential Development Design Guide Supplementary Planning Document (SPD) states that all habitable rooms should maintain at least one main window with an adequate outlook to external spaces where nearby man-made and natural features do not appear overbearing or visually intrusive.
11. Unit 5 is contained within the main roof of the building where there is a rooflight to the front facing roof slope. The roof light is at high level, restricting outlook for

⁴ Office reference PL/2024/0001435/LDCE

persons when sitting down within the room. The only appreciation of the outdoor environment would be when the occupant is walking around or making a conscious effort to look out of the rooflight.

12. Whilst I observed the room to have natural light and ventilation, and no overbearing or visually intrusive features, the restricted outlook is not ideal in respect of living conditions for the occupiers of the accommodation.
13. I therefore conclude that the restricted outlook for the occupants of Unit 5 draws the proposal into conflict with Policies DE1, H3 and H5 of the Coventry City Local Plan (LP), the SPD and national policy. Collectively, amongst other things, these policies seek to provide for high quality residential environment.

Internal space standards

14. Principle 19 of the Council's SPD states that new housing development must comply with the Nationally Described Space Standards (NDSS). These standards require 37sqm for a one-bed flat on one level with 1sqm of built-in storage. The Appellant states that the mean size of the units is 17sqm and that this would be in excess of space standards adopted by Council's surrounding Coventry. Nevertheless, based on the requirements of the NDSS, the proposal would fail to comply with NDSS requirement.
15. The only non-bedroom living space within the building is a ground floor kitchen which would serve all the occupants. This provides limited space for seating and therefore, occupants would use their rooms for living activity, such as relaxation, as well as sleeping.
16. For these reasons the proposed internal space would create a poor-quality living environment in conflict with Policies DE1, H3 and H5 of the LP, the SPD and national policy. Collectively, amongst other things, these policies seek to provide for a high quality residential environment.

Mix of housing

17. The appeal site comprises an end of terrace property which occupies a corner location on Wren Street, a residential road of predominantly two-storey terraced properties. The wider area is characterised by fairly high-density development, including apartments.
18. The Appellant has indicated that neither Policy H10 or H11 of the LP are applicable as the policies are not specific to studio bedsits or self-contained apartments. The Council recognises that the units are largely self-contained but note a shared kitchen and have therefore considered the proposal as a hybrid of an HMO with independent units. By their very nature I recognise that there are similarities in the character and appearance of the accommodation to that of an HMO. I am satisfied that Policies H10 and H11 are relevant, as are Policies H3 and H5 of the LP as they relate to the provision of new housing and managing the existing housing stock.
19. The Council's evidence refers to the over-concentration of HMO's stating the number of such properties is significant in the vicinity of the appeal site, in excess of the 10% threshold permitted under Policy HMO2 of the LP. Furthermore, they go on to state that Nos 39 and 41 Wren Street are listed as HMO's and consequently there would be conflict with Policy HMO3 of the LP which states that proposals

must not, amongst other things, lead to a continuous frontage of three or more HMO's. I have not been provided with a copy of either policy. Nevertheless, at my site visit it was not possible to see how many properties were in use as an HMO due to their visual appearance not being dissimilar to a dwellinghouse.

Notwithstanding the above, these calculations do not in itself provide any indication of effects as they exist in reality. Whilst the Council state that the impact on neighbouring amenity from these types of uses comes in many forms they do not go on to be explicit in their concerns arising from such concentrations.

20. The appeal property would be occupied by up to six unrelated individuals, all of whom would have their own separate regimes and attract their own visitors and deliveries at different times during the day and evening. In this respect, the use is more likely to increase the volume of movements to and from the property than a single-family dwelling. However, my attention has been drawn to the issue of a CLEUD for use of the appeal property as a 6-bed HMO. I am, therefore, not persuaded that the proposal would have a notably different impact on the locality than its lawful use. Accordingly, even if there were a high concentration of HMO's in the locality, the proposal would not harmfully unbalance the housing mix.
21. Furthermore, the evidence before me does not indicate that the existing HMO has been the cause of complaints related to noise and disturbance. Moreover, this would relate to the behaviour of individuals, and any concerns in this regard carry limited weight.
22. For the reasons given above, I conclude that the development would not adversely harm the mix and balance of housing in the area. Accordingly, I find no conflict with Policy H11 of the LP which, amongst others, seeks to resist large HMO's where it would materially harm the occupiers of nearby properties and the appearance or character of an area. I also find no conflict with Policies H3 and H5 of the LP, the requirements set out in the SPD or the Framework, which seek, amongst other things, to create neighbourhoods of choice, ensuring development has regard to the character of the surrounding area including its size, type and tenure.

Character and appearance

23. Wren Street is residential in character and comprises two-storey terraced housing, set close to the footway, behind low walls. The property is set at the end of a row of terraced properties. The dormer window is located to the rear of the property and is not visible from the road which runs to the front of the property. However, the dormer is visible from the gardens and windows of nearby properties on Catherine Street.
24. The dormer has a flat roof and wraps around two roof slopes and would therefore not strictly accord with the Coventry City Council Householder Design Guide Supplementary Planning Document. The dormer is subordinate to the ridge of the existing rear roof slope. However, part of the dormer, to the northern elevation, has an increased ridge above the existing roof slope, and is wide. Be that as it may, by virtue of the matching materials to its vertical sides with the roof of the existing property, the dormer window does not appear unduly prominent or incongruous. Furthermore, given the separation distance between the appeal site and nearby properties the dormer would not have an undue prominence.
25. The Appellant and Council have both drawn my attention to the issue of a certificate of lawfulness for a dormer window. Whilst there is dispute over

compliance with the provisions of the GPDO in respect of the glazing, the evidence indicates that the size, mass and roof design would otherwise be similar to the proposal before me. This is a significant material planning consideration in my determination of this appeal in terms of considering the overall visual appearance of the dormer.

26. Taking all the above into account, I conclude that the dormer does not harm the character or appearance of the existing property or the surrounding area. Consequently, I find no conflict with Policy DE1 of the LP which amongst other things, seeks to secure high quality design.

Other Matters

27. My attention has been drawn to a number of planning appeals by both the Appellant and Council. From the limited evidence before me the case at Brookside House⁵ relates to a larger development comprising the construction of purpose built 196-room student accommodation. Although the appeal at 12 Wren Street⁶ is located in a similar area to the appeal site the context differs as the evidence indicates that the appeal property was a mid-terrace property, and the main issue related to living conditions. I am therefore satisfied that these cases relate to development, and a site context, that are substantially different to that proposed by this appeal. According, these decisions are of limited weight in my consideration of the issues affecting this proposal.

Planning Balance

28. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
29. The Council cannot demonstrate a Framework compliant housing land supply. The evidence indicates that the Council can demonstrate a 1.8-year supply of housing, which represents an acute shortfall. In such cases the 'tilted balance', as set out in the Framework is engaged. Paragraph 11 d ii) of the Framework states that in such circumstances planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
30. Whilst the outlook of Unit 5 would be restricted and the internal space standards would be below the NDDS, overall, I observed the accommodation to feel light and relatively spacious, providing for the essential needs of occupants. Accordingly, whilst there would be some conflict with the policies of the LP in respect of living conditions, overall, I attribute this limited weight given the extent of harm.
31. The proposal would accord with LP policies which support the renovation and redevelopment of existing housing stock, including the conversion of buildings. Having regard to both the 5-year supply of housing land in the district, and the national impetus to increase the supply and choice of housing, this is a benefit that carries substantial weight. Furthermore, the appeal site lies within an established urban area where occupiers would have good access to goods and services.

⁵ Appeal Ref: APP/U4610/W/23/3317673

⁶ Appeal Ref: APP/U4610/W/17/3184626

32. For the reasons stated above, the difference between the CLEUD and CLPUD schemes and the proposal before me are limited. I therefore consider the fallback position to be a material consideration of significant weight in this case.
33. When considered in the round, the benefits, particularly by way of housing provision would be substantial. I therefore find that the limited harm to the living conditions of occupants would be significantly and demonstrably outweighed by the collective benefits of the scheme.

Conditions

34. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development, enforceable, precise, and reasonable in all other respects.
35. In addition to the statutory commencement condition, a condition is necessary to ensure that the development complies with the submitted plans. This is in the interests of certainty.

Conclusion

36. Whilst there would be conflict with the LP in terms of living conditions, this would be limited. Having regard to the Framework, the balance of the considerations in this case means the appeal should succeed.

R. Gee

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents: Proposed site plan DWG 27-01-2022 10, Proposed Floor Plans DWG 27/01/2022 06 BR B and Proposed elevations DWG 27-01-2022 09.