

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2017/0623
<b>Site:</b>	34 Cannon Hill Road
<b>Ward:</b>	Wainbody
<b>Applicant:</b>	Mr Wei Kaung
<b>Proposal:</b>	Erection of a two storey side extension and change of use from Use Class C3 (domestic dwellinghouse) to a house in multiple occupation (HMO) and a detached single storey storage building
<b>Case Officer:</b>	Rebecca Grant

### **SUMMARY**

The application proposes to change the use of the existing dwellinghouse to a house in multiple occupation comprising 8 bedrooms. The proposal also involves a two storey side extension along the western boundary and a detached single storey storage building to the rear of the property. The dwellinghouse has a large garden to the rear where bins and cycles are proposed to be stored.

### **KEY FACTS**

<b>Reason for report to committee:</b>	Representations from more than 5 properties.  Councillor Sawdon and Councillor Blundell have also requested that the application be determined by Planning Committee.
<b>Current use of site:</b>	Residential (C3 Use Class)
<b>Number of proposed bedrooms:</b>	8
<b>Number of car parking spaces:</b>	2
<b>Number of cycle parking spaces:</b>	6

### **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions.

### **REASON FOR DECISION**

- The proposal is high quality design and in character with the surrounding area
- The proposal will not adversely impact upon highway safety
- The proposal will not adversely impact upon the amenity of neighbours
- The proposal accords with Policies BE2, BE21, EM5, H1, H6, OS4, OS6, AM12 and AM22 of the Coventry Development Plan 2001, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

The application is for a change of use of a residential dwelling on Cannon Hill Road into a house of multiple occupation comprising 8 bedrooms. The application also proposes a two storey side extension along the western boundary of the property and a detached single storey storage building to the rear of the dwellinghouse.

The building includes a kitchen and four bedrooms with ensuites on the ground floor and a kitchen, dining room and 4 bedrooms with ensuites on the first floor.

The extension projects 2.9m from the western side elevation and extends the length of the property, 8.957m. The eaves of the extension matches that of the existing property and the roof has been designed to match that of the existing. The extension is set from the boundary of the property which allows pedestrian access to the rear garden.

*The single storey storage building to the rear of the dwellinghouse measures 6.7m in length and 4.4m in width. The storage building has a monopitch roof with a maximum ridge height of 3m. The storage building is proposed along the eastern boundary of the site.*

### **SITE DESCRIPTION**

The application is situated within a row of detached dwellings along the north east side of Cannon Hill Road, approximately 80m away from the junction with Meryton Avenue and 100m away from the entrance to Cannon Park Primary School. The dwelling is completely surrounded by residential dwellings.

The dwelling to the west of the site has recently been converted to a house in multiple occupation, planning permission reference FUL/2015/3420 (please refer to history below).

The building to which the application relates is a two storey pitched roofed building with a driveway to the front. The property has an attached single garage to the western side and a large garden to the rear.

### **PLANNING HISTORY**

There are no relevant planning applications relating to this site. There are however a number of historic planning applications relating to 36 Cannon Hill Road which are relevant to this current application;

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
2013/0249	Change of use from a single dwelling to a house in multiple occupation	Withdrawn 18.03.2013
2013/1631	Extension and change of use from single dwelling to house in multiple occupation (retrospective)	Refused 24.10.2013
2015/3420	Change of use from single dwelling to a	Refused 14.04.2016

	house in multiple occupation for 8 occupants with conversion and forward extension to the existing garage (retrospective)	Appeal allowed 19.09.2016
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Application 2013/1631 was refused on the following grounds;

“The proposed development would be contrary to Policy H6 of the Coventry Development Plan 2001 in that the scale of the extension and the nature of the use of the property would be over-intensive, out of keeping with and detrimental to the spacious character of the area.”

Application 2015/3420 was refused on the following grounds;

“The proposed development would be contrary to Policy H6 of the Coventry Development Plan 2001 in that the nature of the use of the property would be over-intensive, and out of keeping with and detrimental to the spacious suburban character of the area”.

The applicants appealed against this decision and the Inspector allowed the appeal.

## ***POLICY***

### ***National Policy Guidance***

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

### ***Local Policy Guidance***

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

- OS4 – Creating a more sustainable city
- OS6 – Change of use of land
- AM12 - Cycling in new developments
- AM22 – Road safety in new development
- EM5 – Pollution protection strategy
- BE2 – The principles of urban design
- BE21 – Safety and security
- H1 – People and their housing needs
- H6 – Conversion to multiple occupation

### ***Emerging Policy Guidance***

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings are currently underway. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

H3 – Provision of new housing  
H4 – Securing a mix of housing  
H11 – Homes in multiple occupation  
DE1 – Ensuring high quality design  
AC1 – Accessible transport network  
AC4 – Walking and cycling

***Supplementary Planning Guidance/ Documents (SPG/ SPD):***

SPG Design Guidelines for New Residential Development  
SPD Delivering a more sustainable city

***CONSULTATION***

No Objections subject to conditions received from:  
Environmental Protection Officers (CCC)

At the time of writing the report comments have not been received from:  
Highways (CCC)  
County Ecology

Immediate neighbours and local councillors have been notified; a site notice was posted on 17 March 2017.

Councillor Sawdon objects to the proposal on grounds that it is overdevelopment and alters the character of the area. Councillor Sawdon makes reference to the appeal property at No. 36 Cannon Hill Road and states that it was not the Inspectors intention to establish a precedent.

Councillor Blundell endorses the comments raised by Councillor Sawdon and feels it is particularly important that material reason why 36 Cannon Hill Road was allowed on appeal was as an HMO it was an exception. It should therefore not set a precedent.

15 letters of objection have been received, raising the following material planning considerations:

- a) This pleasant residential area is close to many HMO's already and is at risk of being ruined as a place to live.
- b) Overdevelopment of the area.
- c) There is a lack of on-site car parking and street parking is too close to the school.
- d) Nearby multiple occupancy dwellings already have a history of anti-social behaviour and a lack of civil responsibility i.e. refuse management.
- e) Destruction of community cohesion.
- f) Once properties change to HMO's, they become impractical for future use, leading to neighbours leaving the area and more landlords buying up and altering properties, thereby changing the nature of the road.
- g) There appears to be insufficient off-road parking for the number of occupants.
- h) On road parking will increase the risk of accidents on the bend in the road, particularly at school times.
- i) Overdevelopment of the site.
- j) Possibility of the proposed storage building being converted into accommodation at a later date.

k) Reference is made to the 'Glendinning Report' which commented adversely on the impact that multiple occupancy in Cannon Hill Road would have on the traffic and parking problems in this road.

A petition signed by 45 people has been submitted, objecting to the application on the following grounds;

The proposal is over intensive, inappropriate and not in keeping with the streetscene and character of the area.

Within the letters received the following non material planning considerations were raised, these cannot be given due consideration in the planning process:

Lowering of property prices

Any further comments received will be reported within late representations.

### ***APPRAISAL***

The main issues in determining this application are principle of development, impact upon neighbouring amenity and highway considerations.

#### ***Principle of development***

CDP Policy H6 states that proposals for conversions to, enlargement or alteration or houses in multiple occupation will be considered on the basis of:

- The size and character of the property;
- The facilities available for car parking;
- The impact on the amenities of adjoining properties; and
- The cumulative impact on the amenities and character of the surrounding area.

The detached dwelling is located within a residential area and is bounded on either side by other residential dwellings. Given the location within a residential area, it is deemed to be an acceptable use and is compatible with those uses which surround the site.

The application site is located next to an existing house in multiple occupation. An application was brought to Planning Committee in April last year for a change of use from single dwelling to a house in multiple occupation for 8 occupants at No. 36 Cannon Hill Road. The application was refused planning permission by Planning Committee. The applicant appealed against the decision and the Inspector allowed the appeal. The Inspector stated that they 'appreciate that the pattern of behaviour within a house of multiple accommodation would be different to that associated with a family house. However I am mindful that the property could be occupied by six people without the requirement for planning permission. I do not consider therefore that a further two people significantly alters the character of occupation.'

The Inspector in the appeal at No. 36 did refer to the cumulative impact of HMO's. As the Inspector was not aware of any other such houses on the street, it was not considered that allowing the appeal would create a cumulative impact upon the character of the area caused by a number of HMO's. Having checked our planning records, planning permission has not been granted for any further HMO's within close proximity of the application site. It is therefore considered that the allowing the change of use to a HMO would not create a precedent for allowing further HMO within the street.

Concern has been raised regarding the precedent being set should this proposal be approved. All applications are determined on their own merit, having regard to material planning considerations, and as such, this application being approved does not automatically mean that another similar application would be supported, even if harm could be demonstrated.

Coventry is a city that includes two Universities and as such a balance has to be struck between the provision of shared accommodation and maintaining the character of predominately residential areas. Given the low level of multiple occupancy in the immediate area, it is not felt that the cumulative impact of the addition of a dwelling in the area to be used by eight individuals will have a detrimental impact upon the character or amenity of the surrounding area. It is worth noting again that permitted development allows a dwelling to be converted into a share house in multiple occupation for up to 6 people without planning permission.

Therefore, subject to conformity to other plan policies, the proposal is considered to be acceptable.

### ***Design***

Policy BE2 encourages high quality design and paragraph 17 of the NPPF identifies good design as a key principle of the planning system.

The application proposes a two storey side extension positioned along the western boundary of the application site. The extension is set back from the boundary in order to allow pedestrian access to the rear of the application site. There is one window in the side elevation of No.36 however this is to a bathroom and consequently obscure glazed. Given that the extension does not project forward or beyond the existing built form of the existing dwelling, it is not considered that the extension has any adverse impact upon the amenity of No.36.

The design is considered to be sympathetic to the existing dwelling. Whilst the ridge height of the extension is the same as the existing dwelling, the angle of the hipped roof reflects that of the existing roof. The extension is considered to balance the front elevation of the property and sits well within the street scene.

### ***Impact on neighbouring amenity***

In terms of the built form the proposed extension is not considered to create any significant loss of light, outlook or amenity to the occupiers of surrounding properties.

In terms of the change of use Officers are mindful that the use of the property as a HMO for six residents (C4 Use Class) falls outside of the Council's control. There are no policies to control who can occupy residential properties. In this case the application site relates to a detached dwelling located on a spacious plot within a suburban area. Surrounding properties relate to large family homes and the occupation of the property by eight individuals is considered to remain compatible with surrounding residential uses with comings and goings likely to be easily absorbed into the streetscene.

Concern has been raised regarding noise, disturbance and issues of anti-social behaviour that are possible from houses in multiple occupation, and the prospect of

more than 8 people being present at the address at any one time. The application is for 8 occupants at the dwelling, and a condition is included to restrict this. However, it is not unreasonable for there to be occasions when the occupants have guests, in the same way that the occupier of any other dwelling could have.

In terms of noise, disturbance and issues of anti-social behaviour, these are not problems that are specific to dwellings being inhabited as shared accommodation and are matters for the Police to deal with. The planning system cannot control the future occupier of a dwelling in terms of his/her behaviour and as such cannot refuse a planning application on this basis. Environmental Protection has raised no objection.

With regards to concerns raised about the potential lack of civil responsibility, the Inspector noted in the appeal relating to the neighbouring property that 'it is acknowledged that poorly maintained HMO properties can detract from the quality of an area. However, it is also true of poorly maintained owner occupied and privately rented houses.'

The Inspector went on to add, 'I appreciate that that pattern of behaviour within a house in multiple accommodation would be different to that associated with a family house. However I am mindful that the property could be occupied by six people without the requirement for planning permission. I do not consider therefore that a further two people significantly alters the character of occupation.'

The Inspector had regard to the decision on appeal ref APP/U4610/W/15/3039126 where the Inspector found that the use of a property for 8 people would cause noise and disturbance to a neighbouring property. However, in that case the appeal property was a semi-detached house and the Inspector's concern was for the residents in the attached property. In this instance No. 34 is detached property, set within a substantial plot with a good distance between it and neighbouring properties.

The objections raised by local residents are carefully noted, and highlight local people's concerns regarding the pressures that exist within the locality for HMO/student properties. It is acknowledged that concentrations of student accommodation can result in problems with noise and anti-social behaviour and a negative impact on the physical environment due to inadequate attention to waste disposal, although this potential is also true of any resident moving into the area. Nevertheless, having regard for the local resident's concerns it would also be reasonable to secure a Residents' Management Plan to set out tenants obligations and refuse management to control any such impact.

On balance, taking into account the appeal decision at the neighbouring property, it is not considered that the proposal would be harmful to the character and appearance of the area or would have a significant adverse impact upon the amenity of neighbouring properties.

### ***Highway considerations***

Policy AM22 requires safe and appropriate access to the highway system, and make clear that consideration must be given to the impact of access and manoeuvring arrangements on neighbouring users and the amenity of residents.

The site is located within an area where detached dwellings and off street parking predominate, and is close to the entrance to a primary school. The site is also within an unrestricted parking area although outside school start and finish times, little on-street parking exists.

As explained earlier in the report, planning permission would not be required for the dwelling to be occupied by up to six individuals which could potentially all own their own cars. The increase in occupiers to eight could therefore, increase the potential number of cars at the site. 2 parking spaces are proposed on the site and 6 cycle parking spaces are shown on the submitted plans. Given the size of the rear garden, more cycle parking could be accommodated if required.

The site is in a fairly accessible location close to the University of Warwick and to bus routes including to the City Centre and so it is not expected that the intensification of the use of the building will have a significant impact on highway safety in the area.

The Inspector for the appeal at No. 36 Cannon Hill Road commented in the appeal decision that they were satisfied that 'even if the HMO were not occupied by students, a reasonable proportion of tenants will not need access to a car and advice in the National Planning Policy Framework is that encouragement should be given to solutions that support reductions in greenhouse gas emissions.' The Inspector goes on to state 'there is nothing before me to indicate that car ownership or vehicle use would therefore be necessarily greater than if the property were used as a dwelling house, or even it did, that on-street parking problems would necessarily result.'

Subject to Highways colleagues raising no objection to the amended parking layout and cycle parking, the application is in accordance with Policies AM12 and AM22. Highway comments will be reported as a late representation.

A representation has been received making reference to the Glendinning Report. Officers understand that this is in reference to the previous application at 36 Cannon Hill Road. Mr Glendinning was a Highways Engineer at the time and commented upon the planning application. Based upon the analysis and assessment undertaken, the Highways Authority could not sustain a highways objection to the application at 36 Cannon Hill Road.

### ***Other considerations***

Environmental Protection has raised no objection to the scheme, subject to ensuring that each individual unit within the complex will comply with Approved Document E – resistance to the passage of sound. Having clarified this point it has been confirmed that Document E would relate to self-contained flats but would not be applicable to a single dwellinghouse, such as this HMO.

### ***Conclusion***

The extension and detached single storey storage building are considered to be sympathetically designed, respect the character of the existing dwelling house and not considered to have any adverse impact upon the amenity of adjacent neighbours. The change of use to a house in multiple occupation which proposes 8 bedrooms for 8 occupants is two above what would be allowed without planning permission. Taking the above into account, it is not considered that the level of occupancy proposed will cause



any harm to neighbouring amenity or highway safety, to warrant refusal of the application.

## **CONDITIONS/REASON**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents; Existing and proposed floor layouts and elevations Drawing 01

**Reason:** *For the avoidance of doubt and in the interests of proper planning.*

3. 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.

**Reason:** *To ensure that the development is compatible with nearby uses and so that it does not adversely impact upon visual amenity in accordance with Policies H6 and BE2 of the Coventry Development Plan 2001.*

4. The house in multiple occupation hereby permitted shall be occupied by no more than 8 residents at any time.

**Reason:** *The application has been assessed on this basis and any additional number of residents would require further assessment in accordance with Policy H6 of the Coventry Development Plan 2001.*

5. The areas indicated on the approved drawings for vehicular parking shall at all times be kept free of obstruction and be available for those purposes

**Reason:** *To ensure that adequate parking space is available to serve the development in the interests of traffic safety in accordance with Policy AM22 of the Coventry Development Plan 2001.*

6. The use shall not be occupied unless and until a secure covered cycle shelter has been provided and made available for use in accordance with the details to be submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times.

**Reason:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies BE2, OS4 & AM12 of the Coventry Development Plan 2001.*

7. No facing and roofing materials shall be used other than materials similar in appearance to those used in the construction of the exterior of the existing building.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy BE2 of the Coventry Development Plan 2001.*

8. The development shall not be occupied unless and 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 unless alternative measures have been approved by the local planning authority.

**Reason:** *In order to create a satisfactory residential environment for future occupiers in accordance with Policy BE2 of the Coventry Development Plan 2001.*

#### [Existing & Proposed Plans](#)