

APPEAL PROGRESS REPORT

PURPOSE OF THE REPORT

The purpose of this report is to inform Members of appeals lodged and determined in the period 1st September 2017 to 31st October 2017.

RECOMMENDATION

That the report is noted.

INTRODUCTION

Members are requested to note the appeal decisions of either the Secretary of State or the relevant Inspector that has been appointed to determine appeals within the defined period.

In line with the parameters above the report sets out the main issues of the appeals and summarises the decisions. Where claims for costs are made and/or awarded, either for or against the Council, the decisions have been included within the report.

BACKGROUND INFORMATION

When a planning application is refused, the applicant has the right to appeal within six months of the date of decision for non-householder appeals. For householder applications the time limit to appeal is 12 weeks. Appeals can also be lodged against conditions imposed on a planning approval and against the non-determination of an application that has passed the statutory time period for determination.

Where the Council has taken enforcement action, the applicant can lodge an appeal in relation to the served Enforcement Notice. An appeal cannot be lodged though in relation to a breach of condition notice. This is on the basis that if the individual did not agree with the condition then they could have appealed against the condition at the time it was originally imposed.

Appeals are determined by Inspectors appointed by the Secretary of State and administered independently by the Planning Inspectorate.

MONITORING

Monitoring of all appeal decisions is undertaken to ensure that the Council's decisions are thoroughly defended and that appropriate and defensible decisions are being made under delegated powers and by Planning Committee. The lack of any monitoring could encourage actions that are contrary to the Council's decision,

possibly resulting in poor quality development and also costs being sought against the Council.

FINANCIAL & LEGAL CONSIDERATIONS

An appeal may be determined after a Public Inquiry, a Hearing or most commonly written representations. It is possible for cost applications to be made either by the appellants against the Council or vice versa if it is considered that either party has acted in an unreasonable way.

It is possible for decisions, made by Inspectors on appeal to be challenged through the courts. However, this is only if it is considered that an Inspector has erred in law, for instance by not considering a relevant issue or not following the correct procedure.

A decision cannot be challenged just because a party does not agree with it. A successful challenge would result in an Inspector having to make the decision again following the correct procedure. This may ultimately lead to the same decision being made.

It is possible for Inspectors to make a 'split' decision, where one part of an appeal is allowed but another part is dismissed.

SUMMARY OF APPEALS IN PERIOD OF 1 SEPTEMBER TO 31 OCTOBER 2017

No. APPEALS PENDING	20
No. APPEAL DECISIONS RECEIVED	10
No. ENFORCEMENT APPEALS LODGED	2
No. ENFORCEMENT APPEAL DECISIONS RECEIVED	2
No. OFFICER DECISIONS ALLOWED	0
No. MEMBER DECISIONS ALLOWED	2

Site Address:	18 The Riddings
Reference Number:	HH/2017/0771
Description:	Erection of two storey side and single storey side and rear extension and detached outbuilding
Decision Level:	Delegated
Decision:	Refused on 19/05/2017
Appeal Decision:	<i>Dismissed on 01/09/2017</i>

Summary of Decision

The main issue is the effect of the proposal on the character and appearance of the host building and surrounding area.

The Riddings is a quiet residential road containing bungalows, detached and semi-detached dwellings of varying style and character. Properties are set in reasonably

sized plots generally set back, although the semi-detached appeal property is located towards the front of the plot creating a sense of enclosure.

The proposed extension includes a double height side extension that would appear to double the width of the property. The Inspector recognises that the design would be in keeping with the host dwelling but considers the extension would appear as a prominent and bulky addition and would not appear subservient, unbalancing the semi-detached pair.

The appellant's view is that the unusual orientation would reduce its visual prominence but the Inspector considers that the two storey addition would introduce a discordant feature into the local townscape contrasting with the otherwise mostly consistent angle of dwellings to the road frontage.

The Inspector notes that the appellant has sought to design a scheme which retains the parking area in front of the dwelling but this does not outweigh the design concerns identified and he concludes that the proposal would have a detrimental effect on the character and appearance of the host building and surrounding area in conflict with Policies H4 and BE2.

Site Address:	20 Exminster Road
Reference Number:	FUL/2017/0205
Description:	Proposed three-bedroom dwelling on land adjacent to 20 Exminster Road
Decision Level:	Delegated
Decision:	Refusal on 20/03/2017
Appeal Decision:	<i>Dismissed on 05/09/2017</i>

Summary of Decision

The main issues are the effect of the proposal on the character and appearance of the area and whether the proposal would result in harm to highway safety with particular regards to the visibility splay proposed.

The Inspector notes that the residential properties on Exminster Road are set back giving the area a spacious character. No. 20 is one of the few detached houses in the area and given its position, close to and on a bend in the road, is in a prominent position within the street. The new dwelling would create a semi-detached property which would complement the prevalence of semi-detached houses in the area. The Inspector considers that the 'principle elevation of the dwelling would be narrower than No.20 and the dwelling would be within close proximity of the street, lacking the frontage that existing properties have. Together with the prominent position of the site, the development would appear overly dominant and incongruous, harmful to the spacious character of the area.' He notes that the new dwelling would occupy the existing garden to No.20 and concludes that the layout of the development would be harmful and in conflict with Policies H9, BE2 and H12 of the CDP and the NPPF.

With regard to highway safety, the Inspector notes that the new dwelling would intersect the 43m visibility splay required under the Manual for Streets at a point

that would have a material impact on a driver's visibility when exiting the site whereby drivers would need to pull out into the road to see if there is any oncoming traffic. In view of the width of the pavement which limits the space for vehicles and pedestrians and the additional restriction the bend in the road places on visibility, he consider the absence of a wide visibility splay would not be acceptable in this location and concludes that the visibility splay proposed would not provide a safe and suitable access in would therefore be in conflict with Policy AM22.

Site Address:	1 Aldrin Way
Reference Number:	FUL/2017/0518
Description:	Change of use to HMO with 8 bedrooms (sui generis) and erection of single storey rear and side extension and proposed new roof over garage area
Decision Level:	Planning Committee
Officer Recommendation:	To grant planning permission
Decision:	Refusal on 13/04/2017
Appeal Decision:	<i>Allowed on 27/09/2017</i>

Summary of Decision

The main issue is the effect of the proposed change of use to a HMO, on the living conditions of nearby neighbours in respect of noise and disturbance.

The appeal property is a bungalow located on Aldrin Way near to its junction with Bransford Avenue and occupies an extensive plot. The Inspector notes that there is demand for student accommodation due to the nearby campus of the University of Warwick and that the property has been occupied as a small HMO (Use Class C4). He appreciates that the pattern of activity within a HMO would be different to that associated with a family house and that a property occupied by 8 individuals would result in a more intense and varied pattern of development which could manifest in additional noise and disturbance for adjoining neighbours.

However, the Inspector concludes that as the property is physically detached from its neighbours with those at the front and rear fronting onto Bransford Avenue and the front access and driveway to No.1 being separated from No.3 with the communal areas being located away from the side gable of the closest property at No.3 that the potential areas of activity are enclosed or located away from nearby dwellings and therefore the use of the property as a HMO for 8 residents would not be harmful to the living conditions of nearby residents in respect of noise and disturbance and would not conflict with Policy H6 of the CDP.

The lack of off-street parking for the proposed use was raised by various third parties but the Council did not raise any concerns in this respect. The Inspector notes that the appeal site is near to bus stops and within walking distance of the University campus and Cannon Park Shopping Centre and as such the main parties agree that the appeal site is in a sustainable location.

Representations also show strong concern from some of the local community over the significant number of dwellings being occupied by students in the locality of the appeal site. However, the Inspector is not persuaded that the use of the appeal

property as a HMO would individually or cumulatively affect the character of the wider area.

The Inspector concludes that, 'having taken into account the submitted representations at the application and appeal stages, and all evidence before me, I fail to be persuaded that the objections raised, taken individually or collectively, outweigh my findings in relation to the main issue...[and] the appeal should be allowed.

Conditions are imposed relating to: time limit for commencing development; development to be carried out in accordance with approved plans; use of matching materials; no use to commence until cycle and bin storage areas provided; and restriction on number of residents to no more than 8.

Site Address:	79 Wyley Road
Reference Number:	FUL/2016/2274
Description:	Erection of two single storey dwelling units
Decision Level:	Delegated
Decision:	Refusal on 12/12/2016
Appeal Decision:	<i>Dismissed on 04/10/2017</i>

Summary of Decision

The main issues are the effect of the proposed development on: highway safety in respect of on-street parking provision; the character and appearance of the surrounding area; and the living conditions of the residents of 79 Wyley Road with regard to provision of outdoor amenity space.

In looking at highway safety the Inspector notes that the development would not have any provision for off-street parking and that future residents would be reliant on on-street parking. Although there are not formal parking restrictions most properties are reliant on on-street parking given its terraced nature which gives a high potential demand for parking. The addition of two dwellings would have the potential to generate additional demand for on-street parking and the Inspector considers this could result in a shortage of available space which in turn would have the potential for inconsiderate or obstructive parking which would have the potential to cause obstruction to traffic flow. He concludes on this issue that the proposed development would be likely to pose a risk to highway safety in respect of on-street parking provision, contrary to Policy AM22 of the CDP.

In looking at character and appearance the Inspector notes that the garden is unusual within the context of the area in that the rear area of land extends at right angles to the rest of the plot behind the rear gardens of several other properties. The dwelling would be small single storey units set within small plots and backland in nature, contrary to the existing pattern of development. However, the Inspector considers that the unusual size and shape of the site gives scope for introducing a different form of development from the norm and that their modest height and discrete nature would be appropriate in this particular location as they would not be clearly visible from public vantage points in terms of disrupting the general

character and appearance of the wider area and would accord with Policies BE2 and H12 of the CDP.

In terms of the impact of the development on living conditions, the garden for No.79 would be considerably smaller than existing and in comparison with others in the vicinity, but the Inspector considers the remaining space would still be usable and open enough for sitting out and would therefore not harm the living conditions of the residents of No.79 with regard to the provision of outdoor amenity space.

The Inspector concludes that although the proposal would not cause unacceptable harm to the character and appearance of the surrounding area or to the living conditions of the residents of No.79 with regard to the provision of outdoor amenity space, this does not deflect from his finding that the proposed development would be likely to pose a risk to highway safety in respect of on-street parking provision and therefore the appeal is dismissed.

Site Address:	103 and 105 Longfellow Road
Reference Number:	HH/2017/0333
Description:	Two storey rear extensions to both dwellings and single storey rear extension to 105 Longfellow Road
Decision Level:	Delegated
Decision:	Refusal on 30/03/2017
Appeal Decision:	<i>Dismissed on 05/10/2017</i>

Summary of Decision

The main issue is the effect of the proposal on the character and appearance of the area. No concerns were raised with regard to the extension to the rear of No.103 and the Inspector has dealt with the appeal on the basis of the concerns for No.105.

No.105 is a terraced property on the corner of Longfellow Road and Mellowdew Road with the rear elevation visible from Mellowdew Road. The proposal would extend the rear of No.105 with ground and first floor extension, the first floor being the full width of the property up to the roof's ridge. The Inspector considers such an extension would be disproportionately large compared to the scale of the existing property and would appear overly dominant and incongruous in the street and harmful to the open character of the corner.

The Inspector notes that there is already a large outbuilding visible from the street and this together with the existing single storey extension makes the site heavily developed. He considers that extending the property at first floor level would create an excessive amount of built development within the plot which would create a cramped form of development that would detract from the more open and spacious arrangement of buildings and extensions evident within the area. The Inspector concludes that the development would be harmful to the character and appearance of the area.

Site Address:	9 John Grace Street
Reference Number:	HH/2017/1008
Description:	Conversion of existing garage to ancillary accommodation existing house
Decision Level:	Delegated
Decision:	Refusal on 14/06/2017
Appeal Decision:	<i>Dismissed on 09/10/2017</i>

Summary of Decision

The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of neighbouring residents and future occupiers.

The appeal property is a terraced property, which was formerly the end of terrace on a corner plot but a new house has been built adjoining No.9 and the original garden subdivided. The garage remains within the garden of No.9 but its former access to Hermits Croft has been incorporated into the garden of the new house.

The garage is constructed mainly of brick with a flat roof and the proposal is to convert this to living accommodation with windows facing towards the rear of No.9. The Inspector considers that this detached single storey unit would be out of place in the area which is typified by rows of two-storey terraced houses with rear gardens and that the changes to the appearance of the garage would be visible in the street scene and it would appear as a discordant feature which would have an adverse impact on the character of the area.

In looking at living conditions, the Inspector notes that the windows of the converted garage would face the main house giving views into the rear garden area and ground floor rooms of the neighbouring house. Although a fence is proposed he considers that such a high and dominant structure would present a poor outlook. Furthermore there would be views from the rear windows of the new house into the converted garage, particularly at first floor level and the Inspector considers that the new accommodation would be overlooked and there would be a lack of privacy for future occupiers. In regard to this matter the Inspector concludes that the development would have an adverse effect on the living conditions of neighbouring residents and future occupiers with regard to privacy and would not accord with Policies BE2, H9 and H12 of the CDP.

Site Address:	81 Far Gosford Street
Reference Number:	FUL/2016/2988
Description:	Installation of an ATM (retrospective) and external roller shutter
Decision Level:	Planning Committee
Officer Recommendation:	Refusal
Decision:	Refusal on 24/03/2017
Appeal Decision:	<i>Dismissed on 11/10/2017</i>

Summary of Decision

The appeal decision relates to two appeals; one against the Council's refusal to grant planning permission (Appeal B) and the other against the Council's decision to issue an enforcement notice (Appeal A).

The main issues are the same in both appeals; the effect of the development on the character and appearance of the Far Gosford Street Conservation Area; and whether the design and location of the ATM is such that it would be likely to compromise the safety and security of those using and servicing it.

The property is within the Far Gosford Street Conservation Area and is a single storey retail unit within a row of similar units which sit to the front of a late Georgian or early Victorian terraced row. The Inspector notes that whilst a number of unsympathetic additions have been made to the shop frontages the row maintains a good degree of symmetry and a number of original features are still in situ and it makes a positive contribution to the Conservation Area.

The Inspector considers that the development that has been undertaken is extremely unsympathetic. It is prominently located to one side of the central entrance door, disrupting the balanced proportions of the unit and represents additional clutter which fails to respect the traditional form and function of the retail unit. The Inspector considers that the roller shutter housing is prominent and does not reflect the original proportions of the shop front and the shutter door is constructed from galvanised metal which is a material unsympathetic to the traditional palette of timber framed windows. He notes that the roller shutter is contrary to the advice set out in the 'Design Guidance on Shopfronts for Conservation Areas and Historic Buildings' SPG and overall finds that the development has caused significant harm to the external appearance of the shopfront, the associated row and to the character and appearance of the Conservation Area and is contrary to the aims of Policy BE9 of the CDP.

Looking at crime and safety, the Inspector has serious concerns about the location of the ATM which is directly next to a dark and seemingly unlit alleyway. He finds the position of the alleyway an obvious cause for concerns and finds it difficult to conclude that any serious thought was given to the safety of those using the ATM before deciding to locate it in such a position. A revised plan proposed installation of a CCTV camera over the ATM but the Inspector was not clear how this would be monitored and moreover would not be able to detect or identify an individual situated within the recess of the alleyway. He is not satisfied that such measures would be sufficient to off-set the serious concerns related to the fundamental unsuitability of the location and concludes on this matter that the location of the ATM fails to provide a safe environment for those using the service, contrary to the aims of Policy BE21 of the CDP.

The Inspector concludes that 'the development has caused harm to the character and appearance of the Conservation Area. Whilst the harm is significant in terms of its effect on the individual unit it is less than substantial in the context of the heritage asset taken as a whole. Notwithstanding that point, having regard to the statutory duty to preserve or enhance conservation Area, the harm is a matter that attracts substantial weight. I have also identified significant concerns relating to crime and personal safety. The weight I attach to any economic benefit is limited

and accordingly that matter does not amount to a public benefit that outweighs the harm to the heritage asset and the other harm identified.

The appeal against the Council's refusal to grant planning permission (Appeal B) is dismissed and that appeal against the Council's decision to issue an enforcement notice (Appeal A) is dismissed and the enforcement notice is upheld.

Site Address:	230 Swan Lane
Reference Number:	ENF/2017/00016
Description:	The use of the land as a large house in multiple occupation (sui generis); and extensions and alterations to form roof enlargement to the rear north eastern facing and south eastern facing roof slopes, with associated elevational alterations
Appeal Decision:	<i>Dismissed on 16 March 2017</i>

Summary of Decision

The appeal is against an enforcement notice issued on 20/04/2017, the requirements of which are:

Permanently cease the unauthorised use of the Land as a large house in multiple occupation (sui generis) and restore the property to a single dwellinghouse of a similar layout to that which was in situ before the unauthorised change of use took place; permanently remove from the Land all facilities and equipment associated with the unauthorised use and permanently remove from the Land all building materials and waste arising from compliance with this requirement.

Demolish in their entirety the unauthorised extensions and alterations forming the roof enlargement; reinstate the northeastern facing and southeastern facing roof slopes of the building to a size and appearance similar to that which was in situ before the unauthorised development took place using facing and roof materials similar to those used predominantly on the original building; reinstate the elevations of the building to an appearance similar to that which was in situ before the unauthorised development took place using facing materials similar to those used predominantly on the original building; and permanently remove from the land all building materials and waste arising from compliance with this requirement.

The period for compliance is six calendar months.

The inspector considers the main issues of the appeal under Ground A to be: the effect of the extensions and alterations on the character and appearance of the property and the surrounding area; the effect of the extensions and alterations on the living conditions of residents of No.232 Swan Lane with respect of visual impact and loss of light; and the effect of the conversion to a large HMO on the living conditions of neighbouring residents with particular regard to matters of noise and disturbance and additional demand for on-street parking.

Looking at character and appearance of the area, the Inspector considers that 'having regard to its materials, dimensions, height and profile, the extension represents an unsympathetic addition that contrast with, and causes harm to, the character of the original building and the adjacent row. The harm is emphasised by the prominent location at the corner of Swan Lane and Heath Road' and concludes

that the development represents poor design and should be refused as it is contrary to Policies H4 and BE2 of the CDP.

In looking at the effect of the extension on No.232 Swan Lane, the Inspector notes that this property has a rear facing bedroom window close to the boundary and that the development will appear extremely oppressive when viewed from this window and the rear yard. On this matter he concludes that the overbearing impact would have a harmful effect on the living conditions of No.232.

Although the appellant has referred to the HMO as being for 7 people, the property contains 8 bedrooms and a HMO licence has been granted on the basis of occupation by no more than 9 residents. On the basis of this information the Inspector considers the impact based on a level of occupancy of 8 people. He recognises that the property could be occupied by up to 6 people under Class C4 but finds a material difference between occupation by up to 6 people and occupation by 8 or 9 individuals. The property is in an area of tightly packed terraced houses and the Inspector considers that the increased use resulting from additional residents is likely to have an adverse effect on those living nearby in terms of additional noise and disturbance and concludes that this is 'precisely the kind of terraced property that policy H6 seeks to avoid being used as a HMO. It is likely that the use of the property has and would continue to cause harm to the living conditions of neighbouring residents, contrary to the aims of the policy and the requirements of Policy EM5 of the CDP.'

The Inspector concludes that 'the extension to the property has caused harm to the character and appearance of the area and to the living conditions of the residents of the adjacent property at No.232 as a result of its overbearing impact and effect on outlook. It is difficult to segregate the effects of the operational development from the effects of the use. The use of the property as an 8 bedroom HMO has only been made possible as a result of the extension. Without that unacceptable and harmful addition it is unlikely that the property could accommodate more than 6 people. That, of itself, is an indication that the original property was of a scale that was unsuited to the use proposed. Taking account of the size of the dwelling, its proximity to other dwellings and the tightly packed nature of the surrounding street pattern I also conclude that the property is not of sufficient size to accommodate the number of occupants without having unacceptable impacts on the living conditions of neighbouring residents by way of noise and disturbance.'

Site Address:	34 Cannon Hill Road
Reference Number:	FUL/2017/0623
Description:	Erection of two storey side extension, change of use from a single dwelling to a house in multiple occupation (Sui Generis) and a detached single storey storage building
Decision Level:	Planning Committee
Officer Recommendation:	To grant planning permission
Decision:	Refusal on 25/04/2017
Appeal Decision:	<i>Allowed on 16/10/2017</i>

Summary of Decision

The main issues are the effect of the proposal on: the living conditions of neighbouring occupants with particular reference to noise and disturbance; highway safety; and the character and appearance of the surrounding area.

The appeal site is a large detached property in a residential. No.36 has been subject to an allowed appeal for a change of use to a house in multiple occupation. The Inspector notes that an important consideration in this case is a fall-back position which allows the property to be occupied by up to 6 people. In this light the proposal would add two more occupants.

During his site visit the Inspector notes that No.34 is a large detached property with larger rear garden and that taking into account the separation distances involved and the relatively minor increase in occupants proposed, he concludes that the proposal would not lead to a material increase in noise and disturbance, which is reinforced by the absence of any substantive evidence of noise and disturbance at No.36 which has been operating as a HMO for 8 occupants.

Policy H6 requires HMOs to be considered on the basis of cumulative impact on amenity. Beyond No.36, no other HMO properties within the vicinity are drawn to the Inspectors attention and in the light of this and generous sizes of No.34 and No.36 he cannot conclude that the proposal would lead to a cumulatively harmful effect on amenity.

Looking at highway safety, concern is raised that the parking proposed is insufficient and that on-street parking would increase within the vicinity of the site, near a school and at a t bend in the road. The proposal would be served by two off street parking spaces and covered storage for six bicycles.

The Inspector notes that the on-street parking reduces the width of Cannon Hill road and that on-street parking is likely to increase in the early evening. However, the fall-back position allows the property to be occupied by up to 6 people and the Inspector does not consider that the addition of two occupants at the property is likely to lead to a material increase in the need for vehicular parking spaces. Furthermore, he comments that the site occupies an accessible location in relation to bus services and the University and that no objection has been raised by the Highway Authority and that no substantive evidence is provided to demonstrate that any additional on street parking associated with the proposal would have a detrimental effect on highway safety.

In looking at the impact on the character and appearance of the area, the Inspector noted that the HMO at No.36 was not visually distinguishable from surrounding residential properties so could not conclude that the proposal would have a cumulatively harmful effect on the character of the surrounding area.

Concerns were raised regarding the ability of the Council to ensure that conditions could be complied with but the Inspector see no reason to conclude that the Council would be unable to enforce them. The creation of additional bedrooms would require consent. The Inspector is clear that the appeal has been considered

on its own merits and concludes that the appeal should be allowed with conditions relating to: restricted timescale for implementation; development to be carried out in accordance with plans; residents management plan to be submitted prior to occupation; premises shall not be occupied by more than 8 residents; parking spaces shall be kept available for use; no occupation until cycle storage provided; construction materials to be similar to existing; and no occupation until bin storage provided.

An application for the award of costs is partly allowed

The National Planning Practice Guidance (PPG) advises that irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

The appellant contends that the Council have demonstrated unreasonable behaviour by not taking into account a recent and similar appeal decision at the adjacent site not the professional advice provided by its officers. In addition, the appellant contends that the reasons for refusal were broad and general and not based on sound planning reasons.

The Council did not provide a response to the cost claim, but the Inspector is satisfied that the Council have a reasoned basis for concern regarding noise and disturbance in the light of Policy H6. He is also satisfied that it was a legitimate part of the Council’s duty to take into account public representation and based on the proximity of the site to the primary school the Council had a reasoned basis for refusal regarding car parking in the locality.

However, the Inspector concludes that there was no substantive reasoning or evidence put forward by the Council to defend the reason for refusal relating to cumulative effect of the proposal on the character of the area. No concerns were raised regarding the effect of the two storey extension and the bins store would be located at the rear of the site. In the Inspectors view, the Council behaved unreasonably by not providing sufficient justification or evidence in relation to its reason for refusal relating to the cumulative effect of the proposal on the character of the residential area and as a result the appellant has incurred unnecessary and wasted cost in having to contend this reason for refusal.

Site Address:	71-73 Rochester Road
Reference Number:	FUL/2016/2994
Description:	Change of use from residential elderly care home to House in Multiple Occupation (two cluster flats with 21 bedrooms) with minor external alterations
Decision Level:	Delegated
Decision:	Refusal on
Appeal Decision:	<i>Dismissed on 17/10/2017</i>

Summary of Decision

The main issues are the effect of the proposal on highway safety and the effect on the living conditions of neighbouring residents with respect to noise and disturbance.

Beechwood House is located on the corner of Rochester Road and Ravencragg Road. To the front of the property is hardstanding which can accommodate no more than three cars. In addition to this there is one space in front of the site on Rochester Road and a number alongside the site in Ravencragg Road. The Inspector notes that at peak times Rochester Road is heavily parked with few spaces remaining close to the site.

The accommodation would be managed by Warwick University and the appellant suggests it could limit occupation of the building, but in the Inspectors view there would be no way to control the number of cars based at the site. The Inspector considers that the proposal would be likely to generate peaks in parking demand at the same time as the neighbouring houses when on-street capacity is at its lowest and although he notes that parking standards in the emerging Local Plan in relation to student accommodation and care homes, on the basis of the evidence before him, he considers the proposal would lead to a considerable increase in the pressure for on-street parking close to the site.

The Inspector summarises that 'due to its poor accessibility from the University and the city centre, the development would lead to significant increase in traffic generated by the site. This would result in an increase in on-street parking close to the site, to the extent that the free flow of traffic would be inhibited and highway safety adversely affected' failing to accord with Policy AM22 of the CDP.

Looking at living conditions, the Inspector notes that the proposal would accommodate considerably younger and more mobile occupants than presently and it is likely that there would be more comings and goings than present and likely later at night. In the Inspectors view the noise from comings and goings from a greater number of vehicles than at present and possibly later at night would be likely to cause unacceptable noise and disturbance to neighbouring occupiers, contrary to Policies H6 and EM5 of the CDP.

Site Address:	17 Grafton Street
Reference Number:	FUL/2017/0814
Description:	Change of use to seven-bedroom HMO and erection of rear roof dormer (retrospective)
Decision Level:	Delegated
Decision:	Refusal on 25/05/2017
Appeal Decision:	<i>Dismissed on 18/10/2017</i>

Summary of Decision

The main issues are the effect of the development on: the character and appearance of the area; and the living conditions of occupiers of neighbouring properties in terms of outlook, noise and disturbance.

The appeal property is in a row of terraced houses with two storey outriggers. The rear dormer is L-shaped and occupies much of the roof space of the main roof and outrigger roof. The Inspector considers the lack of set back from the eaves and end gable of the outrigger means that the dormer window effectively forms a third storey when seen from the rear which results in very large and overly dominant addition to the roof that is not subservient.

The appellant argues that a dormer constructed as permitted development would have a similar visual effect but the Inspector gives little weight to this argument as a fall back position and concludes on this issue that the development in terms of the rear dormer has an adverse effect on the character and appearance of the area, contrary to Policies H4 and BE2 of the CDP.

In looking at living conditions, the Inspector notes that the dormer has a negative impact on the outlook from windows at the rear of 15 Grafton Street.

In looking at the use of the property as a HMO, the appellant argues that the fall back position would allow the property to be occupied by up to 6 residents without planning permission. The Inspector recognises that the use of a property by seven unrelated occupants is likely to generate a greater variety of movements and noises than the use of a property occupied by a single family of up to the same number of people due to the likely differences in daily activities between the two uses. However, he takes into account the fall back position of six unrelated occupants and considers the difference in noise and disturbance between six and seven people is likely to be limited and insufficient to make a difference to the living conditions of occupiers of neighbouring properties in terms of noise and disturbance.

On this issue the Inspector concludes that 'the change of use to a seven-bedroom HMO results in an acceptable effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance' and would accord with Policy H6 of the CDP.

He concludes that 'while the change of use to a seven-bedroom HMO results in an acceptable effect on the living conditions of occupiers of neighbouring properties in terms of noise and disturbance, the rear dormer causes adverse effects on the character and appearance of the area and the living conditions of occupiers of 15 Grafton Street in terms of outlook. For the above reasons, and having regard to all matters raised, I conclude the appeal should be dismissed.'

PLANNING APPEAL PROGRESS REPORT – SUMMARY TABLE

CURRENT APPEALS LODGED

Application Reference & Site Address	Case Officer	Type	Appellant	Proposal	Progress & Dates
FUL/2016/2506 <i>75-77 Albany Road</i>	<i>Shamim Chowdhury</i>	Written Representations	Mr Murphy	Change of use to A1 retail (retrospective application)	Lodged date: 25/04/2017 Start date: 20/09/2017 Questionnaire/ Statement: 18/10/2017
FUL/2017/0563 <i>215 The Farmhouse Beechwood Avenue</i>	<i>Anne Lynch</i>	Written Representations	Mr Mohammed	Retention of existing marquee on a temporary basis for 2 years	Lodged date: 12/06/2017 Start date: 11/09/2017 Questionnaire/ Statement: 22/09/2017
FUL/2017/0745 <i>27 Camden Street</i>	<i>Anne Lynch</i>	Written Representations	Mr Tee	Retention of storage buildings, fencing and hard surfacing	Lodged date: 29/06/2017 Awaiting start date
LDCP/2017/0762 <i>27 Camden Street</i>	<i>Anne Lynch</i>	Written Representations	Mr Tee	Lawful development certificate for use of the land for general storage of vehicles and materials and ancillary repair of stored vehicles	Lodged date: 29/06/2017 Awaiting start date
FUL/2017/0077 <i>1 Empire Road</i>	<i>Anne Lynch</i>	Written Representations	Mr Singer Garagelets	Provision of 32 replacement domestic garages	Lodged date: 01/07/2017 Start date: 10/08/2017 Questionnaire/ Statement: 16/08/2017

ADV/2017/0790 219-237 Foleshill Road	<i>Nigel Smith</i>	Written Representations	Mr Page	Erection of 48-sheet LED advertising display measuring 6m by 3m	Lodged date: 03/07/2017 Start date: 05/09/2017 Questionnaire/ Statement: 12/09/2017
FUL/2017/0498 12 Milton Street	<i>Anne Lynch</i>	Written Representations	Mr Fordham	Erection of detached house	Lodged date: 25/07/2017 Start date: 08/09/2017 Questionnaire/ Statement: 22/09/2017
FUL/2017/0619 389 Green Lane	<i>Liam D'Onofrio</i>	Written Representations	Mr Thadwal	Erection of new dwelling adjoining 389 Green Lane	Lodged date: 10/08/2017 Start date: 10/10/2017 Questionnaire Statement: 17/10/2017
FUL/2017/1007 657 Stoney Stanton Road	<i>Nigel Smith</i>	Written Representations	Mr Shah	Change of use of ground floor from residential to butchers shop (A1) and erection of outbuilding, external staircase and two storey rear extension and installation of rear dormer window. First floor to be a flat.	Lodged date: 12/08/2017 Start date: 02/10/2017 Questionnaire/ Statement: 09/10/2017
S73/2017/1184 New Century Park Allard Way	<i>Anne Lynch</i>	Hearing	Mr Goodwin	Variation of condition 22 (to enable occupation of 200 units prior to completion of Copsewood Grange and Lodge) : imposed on application reference OUT/2012/0888 for phase II development for up to 329 residential units	Lodged date: 21/08/2017 Start date: 10/10/2017
HH/2017/0939 216 Lythalls Lane	<i>Rebecca Grant</i>	Written Representations	Mr Aujla	Erection of detached garage/ garden store	Lodged date: 26/08/2017 Awaiting start date
FUL/2017/1451 59 Clay Lane	<i>Shamim Chowdhury</i>	Written Representations	Mr Ramzan	Change of use from retail shop (use class A1) to hot food takeaway (use class A5) and installation of external extraction flue	Lodged date: 30/08/2017 Start date: 05/10/2017 Questionnaire/ Statement: 12/10/2017

FUL/2017/0442 12 Wren Street	<i>Liam D'Onofrio</i>	Written Representations	Mr Earp	Change of use from a dwellinghouse (C3 Use) to 6 independent bedsits (Retrospective)	Lodged date: 18/09/2017 Awaiting start date
FUL/2017/1685 37 Heath Crescent	<i>Shamim Chowdhury</i>	Written Representations	Mr Kismet	Change of use of ground floor from retail (Use Class A1) to hot food takeaway (Use Class A5)	Lodged date: 20/09/2017 Awaiting start date
FUL/2017/0212 83 Kirby Road	<i>Andrew Cornfoot</i>	Written Representations	Stone and Stone Property Ltd	Erection of first floor rear extension and new external staircase to create two one-bedroom flats (Use Class C3) and minor elevational alterations to existing flats	Lodged date: 25/09/2017 Awaiting start date
TP/2017/1984 3 Staircase Lane	<i>Robert Penlington</i>	Written Representations	Cowle	Works to TPO Tree – Oak – Remove all dead wood from the tree and cut back overgrown branches that are encroaching on the house to a distance of 4 metres from the front of the property	Lodged date: 09/10/2017 Awaiting start date
HH/2017/1318 4 Sylvan Drive	<i>Alan Lynch</i>	Written Representations	Dr Ahmed	Erection of rear and side extensions with dormer and alterations	Lodged date: 09/10/2017 Awaiting start date
FUL/2017/0952 <i>Aylesford Intermediate Care Centre</i> Aylesford Road	<i>Nigel Smith</i>	Written Representations	Mr Patel Aylesford Coventry Limited	Demolition of former care centre and erection of 189 beds student accommodation	Lodged date: 11/10/2017 Awaiting start date
TEL/2017/0713 <i>The Painted Lady</i> Longfellow Road	<i>Rebecca Grant</i>	Written Representations	Cornerstone Telecommunications	Application for prior notification of proposed development by telecommunications code system operators	Lodged date: 11/10/2017 Awaiting start date
HH/2017/0018 11 Stoneleigh Road	<i>Shamim Chowdhury</i>	Written Representations	MR Seth	Erection of two sets of gates and railings	Lodged date: 23/10/2017 Awaiting start date

APPEAL DECISIONS RECEIVED

Application Reference Site Address	Case Officer	Type	Appellant	Proposal	Appeal Decision & date
HH/2017/0771 18 The Riddings	<i>Shamim Chowdhury</i>	Written Representations	Mr Bassnett	Erection of two storey side and single storey side and rear extension and detached outbuilding	Decision : DISMISSED 01/09/2017 Decision type: <i>Delegated</i>
FUL/2017/0205 20 Exminster Road	<i>Liam D'Onofrio</i>	Written Representations	Mr Holcroft	Proposed three-bedroom dwelling on land adjacent to 20 Exminster Road	Decision : DISMISSED 05/09/2017 Decision type: <i>Delegated</i>
FUL/2017/0518 1 Aldrin Way	<i>Liam D'Onofrio</i>	Written Representations	MRs Zhang	Change of use to HMO with 8 bedrooms (sui generis) and erection of single storey rear and side extension and proposed new roof over garage area	Decision : ALLOWED 27/09/2017 Decision type: <i>Planning Committee</i>
FUL/2016/2274 79 Wyley Road	<i>Nigel Smith</i>	Written Representations	MRs Rai	Erection of two single store dwelling units	Decision : DISMISSED 04/10/2017 Decision type: <i>Delegated</i>
HH/2017/0333 103 and 105 Longfellow Road	<i>Andrew Cornfoot</i>	Written Representations	Mr Singh	Two storey rear extensions to both dwellings and single storey rear extension to 105 Longfellow Road	Decision : DISMISSED 05/10/2017 Decision type: <i>Delegated</i>
HH/2017/1008 9 John Grace Street	<i>Alan Lynch</i>	Written Representations	Mr Wanis	Conversion of existing garage to ancillary accommodation existing house	Decision : DISMISSED 09/10/2017 Decision type: <i>Delegated</i>
FUL/2016/2988 81 Far Gosford Street	<i>Andrew Cornfoot</i>	Written Representations	Cardtronics UK Ltd	Installation of an ATM (retrospective) and external roller shutter	Decision : DISMISSED 11/10/2017 Decision type: <i>Planning Committee</i>

FUL/2017/0623 34 Cannon Hill Road	<i>Rebecca Grant</i>	Written Representations	Mr Kaung	Erection of two storey side extension, change of use from a single dwelling to a house in multiple occupation (Sui Generis) and a detached single storey storage building	Decision : ALLOWED 16/10/2017 Decision type: <i>Planning Committee</i> An application for the award of costs was ALLOWED IN PART
FUL/2016/2994 71-73 Rochester Road	<i>Nigel Smith</i>	Written Representations	Mr & Mrs Peggs	Change of use from residential elderly car home to House in Multiple Occupation (two cluster flats with 21 bedrooms) with minor external alterations	Decision : DISMISSED 17/10/2017 Decision type: <i>Delegated</i>
FUL/2017/0814 17 Grafton Street	<i>Anne Lynch</i>	Written Representations	Mr Yunis	Change of use to seven-bedroom HMO and erection of rear roof dormer (retrospective)	Decision : DISMISSED 18/10/2017 Decision type: <i>Delegated</i>

ENFORCEMENT APPEAL DECISIONS RECEIVED

Ref. and site address	Case Officer	Type	Appellant	Works	Decision and date
ENF/2017/00016 230 Swan Lane	Marcus Fothergill	WR	MR O P Fan	The use of the land as a large house in multiple occupation (sui generis); and extensions and alterations to form roof enlargement to the rear north eastern facing and south eastern facing roof slopes, with associated elevational alterations	Enforcement notice upheld 11/10/2017
ENF/2017/00017 81 Far Gosford Street	Marcus Fothergill	WR	Cardtronics UK Ltd	Installation of an Automated Teller Machine (ATM) and external roller shutter and associated shutter box to the front, south eastern facing elevation of the building fronting onto Far Gosford Street	Enforcement notice upheld 11/10/2017

Note: WR – Written Representations

IH – Informal Hearing

PI – Public Inquiry

HAS – Householder Appeals Service