

APPLICATION NUMBER: FUL/2019/1722

ADDRESS: 28 Old Mill Avenue

PROPOSAL: Conversion of dwellinghouse into two 5 bedrooms flats to be used as small scale house in multiple occupation (use class C4).

INTRODUCTION

The purpose of this report is to consider the above application

RECOMMENDATION

That planning permission be **refused** for the reasons outlined in the attached schedule.

DESCRIPTION OF APPLICATION SITE

The application site relates to an extended semi-detached property. Originally the property was a detached dwellinghouse on a large plot. The property has been extended with two-storey side and subsequently divided into two properties in 2012. As a result No. 28A is the pairing semi located to the north side of the application dwelling. Since the creation of two dwellings on this site, the original dwelling No. 28 has been extended further with two-storey side and rear extensions and alterations to the front. A large paved area has been created in the front for parking. No. 28A Old Mill Avenue appears also in use as a house in multiple occupation.

Old Mill Avenue is a residential street within Cannon Park. The properties vary in style, with both two storey dwellings and dormer bungalows. The on-street parking is restricted on Old Mill Avenue and on the surrounding residential streets.

PROPOSAL DESCRIPTION

The application seeks permission for converting the house into 2 flats to be used as house in multiple occupation (HIMO) property under use class C4 or sui generis (larger HIMO). The proposed flats would have 5 en-suite bedrooms each, in addition to kitchen and lounge. The ground floor flat would have access from the front and the first floor flat would have separate access from the side. The proposal also includes provision for 5 parking spaces in the forecourt and bin storage and cycle storage in the rear garden. The existing soft landscaped area would be altered to accommodate the parking spaces. The drawing shows that there would be two electric vehicle recharging points in the forecourt.

RELEVANT PLANNING HISTORY

Reference	Proposal description	Decision and date
FUL/2019/0866	Change of use to 2 flats (use class C3)	Approved, 28/05/2019
FUL/2018/2371	Change of use to a house of multiple occupation (HIMO) to provide 13 person's accommodation (retrospective application),	refused 16/1/2019 due to potential adverse impact on neighbouring amenities and

		insufficient information to demonstrate the proposal would not affect the highway safety and parking provision
AD/2017/0161	Non-material amendment reducing roof to original height, omission of rear dormer and alterations to south elevation to planning reference HH/2016/0185 granted on 21/03/2016 for the erection of two storey side and rear extensions, porch, raised roof height and rear dormer.	approved 15/02/2017
HH/2016/0185	Erection of two storey side and rear extensions, porch, raised roof height and rear dormer,	approved 21/03/2016
HH/2015/3872	Two storey side and rear extensions, porch, raised roof height and rear dormer,	approved 05/01/2016
HH/2015/2866	Two storey side and rear extension, single storey rear extension, porch, raised roof height and rear dormer,	approved 13/10/2015
FUL/2013/0406	Single storey rear extension,	approved 03/05/2013
FUL/2012/1281	Alterations and extensions to existing dwelling and subdivision to form two dwellings,	approved 23/08/2012
C/43044	Two storey side extension, and single storey front extension,	approved 10/05/1990

LOCAL PLAN POLICIES

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Coventry City Council Local Plan 2016. Relevant policies are outlined below.

- Policy DE1 Ensuring High Quality of Design
- Policy DS3 Sustainable Development Policy
- Policy H11 Homes in Multiple Occupation (HiMO's)
- Policy AC1 Accessible Transport Network
- Policy AC3 Demand Management
- Policy AC4 Walking and Cycling
- Appendix for Policies AC3 and AC4 Car and Cycle Parking Standards for New Development: Appendix 5.
- SPD Delivering a More Sustainable City (2009)

MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) (2019)
 National Planning Practice Guidance (NPPG)

CONSULTATION RESPONSES

<ul style="list-style-type: none"> • Highways (CCC) 	No objection
<ul style="list-style-type: none"> • Environmental Protection (CCC) 	No objection subject to condition to minimise impact on air quality

PUBLIC RESPONSES

- Neighbour notification was sent out on 24 July 2019 and a site notice was displayed on 30 July 2019; One response has been received which objected on the following grounds:
 - Using the house for two flats to accommodate 10 unrelated people would over-intensify the use of the property and would affect the neighbouring occupiers
 - Provision of parking spaces are not adequate, in particular in conjunction with the use of the adjoining house which is also in HIMO use and other nearby HIMO properties, therefore, the proposal is not sustainable.
 - It would set up a bad example in the area as similar developments would ruin the character and nature of this residential area which is mainly for family house.
 - Would result in loss of family houses.

ISSUES AND APPRAISAL

Principle of development

Policy H11 'Homes in Multiple Occupation' states that the development of purpose built HIMO's or the conversion of existing homes or non-residential properties to large HMO's will not be permitted in areas where the proposals would materially harm:

- a) the amenities of occupiers of nearby properties (including the provision of suitable parking provisions);
- b) the appearance or character of an area;
- c) local services; and

d) The amenity value and living standards of future occupants of the property, having specific regard to internal space and garden/amenity space.

It is acknowledged that the existing dwelling could accommodate up to six residents with shared facilities as a permitted change from a dwellinghouse (Use Class C3) to a small-scale house in multiple occupation, HIMO (Use Class C4). That is not to say that the use by six residents would not be harmful and officers are mindful of the high demand for HIMOs within the locality and the largely uncontrolled nature of the C4 Use Class in terms of cumulative impact and parking demand. Including No. 28A Old Mill Avenue, the pairing semi, is being used as an HIMO for 6 residents.

The application has been submitted following approval of an application for this dwelling into 2 flats within use class C3 (dwelling houses). A specific condition restricts the use of these 2 flats to be used within Use Class C4 (small scale HIMO). The reason for restricting the use of the flats was to prevent further intensification of use of the property and to minimise adverse impact on the neighbouring occupiers. Prior to the approval of this application, an application was refused for this site which sought permission for conversion of the dwellinghouse into a HIMO (house in multiple occupation) for 13 people.

Although, the current application seeks to convert the existing dwellinghouse into two 5 bedrooms flats and to be used these flats for house in multiple occupation within Use Class C4 (small scale HIMO), fundamentally, the proposal seeks permission to use the dwellinghouse as a larger HIMO (Sui-generis) to accommodate at least 10 unrelated people (at least 5 persons in each flat).

The conversion of the dwellinghouse into 2 flats within Use Class C3, i.e. to be used as family dwellings is considered acceptable and therefore the proposal was granted planning permission. However, it is considered that the use of the two flats for HIMO purpose would be clearly different to the use them as family dwellings. It is well established that the general level of activity associated with a HIMO is significantly greater than that of a typical family house and therefore increases the potential for noise and disturbance. It is considered that the 10 individual non-related occupiers in two flats within an extended semi-detached house intensifies the use of the property compared to a C3 family unit. It is considered that the impact of the development upon occupiers of neighbouring properties would be intensified by the presence of communal kitchen/dining areas on each floor for at least 10 independent residents and any additional visitors. In such circumstances, it is reasonable to consider that residents of the flats and visitors would be likely to use the internal communal areas and rear garden more intensively than a typical family together with the comings and goings of 10 people in addition to 6 other people who reside in 28A Old Mill Avenue. This would increase significant noise and disturbance both internally and externally and therefore would cause significant harm to the living conditions of the occupiers of neighbouring properties including inconvenience to the parking provision of the neighbouring occupiers. This is also evident from comments on this application made by a local resident.

Given the lack of control and the conversion of single dwellinghouses into small houses in multiple occupation (Use Class C4), proposals for HIMOs need careful consideration. In particular, such proposals are considered to be unacceptable where insufficient parking is provided and where they have potential of affecting neighbouring residential amenities as well as if it affects the character of the area. The site is within a fairly sustainable location, however this is not considered to override the off-street parking requirement set within the Council's recently adopted

Car and Cycle Parking Standards for New Development: Appendix 5, unless justified otherwise.

It is considered that the cumulative intensification of the two flats when used as HIMOs would have a detrimental impact on the living conditions of adjoining family houses in terms of noise and general disturbance. There is extra usage of the front drive and garden area by adults (rather than children if they were family unit) and extra comings and goings over and above that which would be expected from a family dwelling. The impact from the intensified use of the proposed two flats would be exacerbated when these flats are used simultaneously in conjunction with the use of the adjoining property No. 28A Old Mill Avenue, which is also a HIMO property. The proposal is therefore considered to be contrary to Policy H11 and unacceptable in principle.

Highways issues

The on-street parking is restricted on Old Mill Avenue; however the property has a fairly large driveway/forecourt. The plans indicate that 5 spaces could be provided without affecting the landscaped area on the frontage significantly. The application is also accompanied by a Parking Survey which demonstrates that the proposal would not affect the existing on-street parking provision adversely. Highways have raised no objection to the proposals

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:- A public authority must, in the exercise of its functions, have due regard to the need to: eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; foster good relations between persons who share a relevant protected characteristic and persons who do not share it. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application. There are no known equality implications arising directly from this development.

CONCLUSION

I therefore recommend that permission be refused.

