



Appeal Decision

by I Stevens BA (Hons) MCD MBA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 30.08.2023

Appeal reference: CAS-02418-M8F0X5

Site address: 31-33 Colum Road, Cathays, Cardiff, CF10 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Aeyman against the decision of Cardiff County Council.
 - The application Ref 22/01556/MNR, dated 20 July 2022, was refused by notice dated 25 October 2022.
 - The development proposed is conversion of 2 no. ground floor flats to co-study space and single storey infill extension.
 - A site visit was made on 9 August 2023.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of proposed development was amended during determination of the planning application, from a proposed coffee shop and office space across Nos. 31-33 Colum Road to the current scheme for co-study space in No. 33. I have therefore taken the description from the Council's Decision Notice, as confirmed on the Appeal Form. There is no dispute that revised plans formed the basis of the Council's determination.

Main Issues

3. The main issues are:
 - whether the proposal would comply with local planning policy relating to the change of use of residential land or properties; and
 - The effect of the proposed development on the living conditions of nearby occupiers with regard to noise.

Reasons

Change of use

4. The appeal site comprises the ground floor and front and rear external areas of two adjoining three-storey residential properties, Nos. 31-33 Colum Road. The site is on a

busy road near to Cardiff city centre and within walking distance of Cardiff University and the Cathays Park group of institutional buildings.

5. The development proposes to change the use of two ground floor flats at No. 33 to co-study space, for use by students and young professionals in the area. The internal layout to Flats 1 and 2 on the ground floor of No. 31 would be reconfigured due to the proposed co-study space next door. A single-storey flat roofed extension would infill a narrow gap between No. 33 and No. 35 towards the rear of the building, away from the road frontage. The extension would form part of the co-study floorspace. The Council has not objected to the proposed extension and having considered the evidence and visited the property, I see no reason to disagree on this.
6. In planning policy terms, the appeal site is outside of the designated commercial and business areas as identified in the Cardiff Local Development Plan (LDP), adopted in January 2016. In such locations, Policy H4 of the LDP permits the conversion or redevelopment of residential properties to other uses where, amongst other things, the premises or their location are no longer suitable for residential use; or the proposal is for a community use necessary within a residential area. It is evident that one of the two criteria should be met, to demonstrate policy compliance.
7. Supporting text to Policy H4 advises that appropriate and necessary community facilities within residential areas include doctors' and dentists' surgeries, residential homes, and childcare facilities. The Council has indicated that the proposal would be of a B1 nature, which would fall outside of the intended scope of community uses within Policy H4. The appellant suggests that the proposal would provide benefits to visiting students and customers, as a new educational offer in an accessible location near to education facilities and student accommodation. Nevertheless, beyond information on opening hours and target audiences, few details have been provided on how the facility would operate and be managed, including any staffing arrangements. I have no substantive evidence that the proposed use would be a necessary community facility within this residential area.
8. The proposal would result in the loss of two self-contained flats on the ground floor. There is no suggestion that the two flats are no longer suitable for residential use, such as evidence of attempts to market the property for other uses. Indeed, it is evident from the submissions that the wider building is, and would remain, in residential use. Notwithstanding the small-scale nature of the proposed co-study space and its accessible location close to a range of facilities and services, there is no evidence before me which demonstrates that the appeal site is no longer suitable for residential use. The proposal would remove two dwellings from the local housing stock without any cogent evidence to support the loss.
9. I note the suggested social benefits of co-studying, that the proposed independent co-study space may serve the needs of students as an alternative to campus-based facilities or studying alone in accommodation rooms elsewhere. However, these factors do not outweigh the conflict with the development plan, which seeks to control the potential cumulative loss of dwellings to non-residential uses outside of designated commercial centres. The proposal is therefore contrary to the objectives of LDP Policy H4.

Living conditions

10. Nos 31-33 are in a predominantly residential area, with neighbouring properties, Nos. 29 and 35 Colum Road, also in residential use. Colum Road is characterised by dense and traditional housing of a similar form, with shallow open courtyards to the front of properties.

11. The proposed co-study space seeks to provide a communal area to study and/or work. It would have meeting areas, a coffee lounge, and associated facilities. The facility would be open between 0800 – 2000. From the information provided, the co-study space would not be restricted to occupants of the flats at Nos. 31-33, with the appellant advising that it would provide a study area for students and young professionals, including area residents.
12. The co-study space would be adjacent to habitable spaces of Flat 2, including its living room, and beneath first-floor flats. While the proposal would not prevent residential use of the wider property, the nature of a co-study space, which the appellant advises would be a sociable environment for studying, would be very different to that of a dwelling. It is highly likely that there would be an increase in comings and goings to the facility beyond what would normally be expected with a residential use, and this would not be restricted to occupants of neighbouring flats within the building. No details have been provided on the 'back of house facilities' area to the rear of the building, which could generate noise, or whether users of the co-study space would have access to this area and to the rear of the property. Neither is there any information on staffing and management arrangements for the facility, to ensure that noise and disturbance could be adequately controlled.
13. The appellant has provided details of proposed soundproofing measures that could be fitted. However, whilst some details of the efficacy of such sound attenuation could be achieved, the lack of evidence on the nature and scope of the proposal means I am unable to conclude if the suggested measures would be reasonable, and I am therefore not satisfied that such matters can be resolved by the imposition of planning conditions. Moreover, noise and disturbance could also be generated outside of the co-study space, through general activities from the coming and goings of students and young professionals, both to the front and rear of the property. The impact of the proposal on occupiers of neighbouring properties would be intensified by the proximity of those neighbours. While there have been no neighbour objections to the proposal, there are any number of reasons why a neighbour may choose not to object to a proposal and is not itself a reason to grant permission.
14. In conclusion, I am unable to conclude that there would be no unacceptable harm to the living conditions of nearby occupiers with regard to noise. The proposal would therefore conflict with the amenity objectives of LDP Policies H4 and EN13.

Conclusion

15. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR