
Appeal Decision

Site visit made on 18 October 2016

by M Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2016

Appeal Ref: APP/Q3060/W/16/3156233

14 Berkeley Avenue, Mapperley Park, Nottingham, NG3 5BU

- 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 Kirby against Nottingham City Council.
 - The application Ref 15/01763/PFUL3, dated 29 June 2015, was refused by notice dated 24 May 2016.
 - The development proposed is to convert the existing house to two additional flats (3 in total); 1no. x 2-bed and 2no. x 1-bed.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the proposed conversion of the dwelling to flats would lead to the loss of a dwelling suitable for family accommodation, to the detriment of the housing mix and need within the area; and
 - whether the proposed development would preserve or enhance the character and appearance of the Mapperley Park and Alexandra Park Conservation Area.

Reasons

Housing mix

3. The appeal site is occupied by a two-storey detached dwelling which possesses in addition a roof-storey, and is situated on the west side of Berkeley Avenue, a residential street. The dwelling is set back from the rear of the pavement by a shallow front garden, and possesses an area for off-street parking. The property is also located within the Mapperley Park and Alexandra Park Conservation Area.
 4. The Council has assessed the proposed development against saved Policy ST1 of the Nottingham Local Plan 2005 (the Local Plan), which it is indicated sets out to ensure that all development seeks to maintain a balanced mix of housing size, type and affordability, with particular reference to the promotion of housing for families with children. In this respect, the Council has also referred to Policy 8 of the Greater Nottingham Aligned Core Strategy 2014 (the Core Strategy), which sets out that within Nottingham City there should be an
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emphasis on providing family housing. Furthermore, whilst the Council indicates that the emerging Nottingham City Local Plan Part 2 DPD – Land and Planning Policies 2016 does not yet carry any significant policy weight, it is highlighted that there remains a presumption against the loss of dwellings for family occupation through sub-conversion for the same reasons.

5. Having regard to the submitted evidence, I have no reason to conclude that the existing dwelling would be unsuitable in respect of its size, layout and availability of garden space to continue to provide accommodation for family occupation. It would seem evident from both the existing policies of the Development Plan and the policy intent of the emerging Local Plan, that there is, and remains a shortage of family housing within the City. In this respect, I have had regard to the appellant's reference to the approval for conversion to flats of a neighbouring property at No. 16 Berkeley Avenue, and that the proposals in this instance would address a housing shortage. However, I have not been provided by the appellant with any detailed evidence or analysis as to precisely which element of a housing shortage would be met by the proposals, or any persuasive reasons why the policies of the Development Plan relating to family housing should be set aside in this instance.
6. On this basis, I am satisfied that the proposed conversion of the existing dwelling would result in an unjustified loss of family accommodation, for which there remains an identified need within the City. As a consequence, the proposals would conflict with saved Policy ST1 of the Local Plan, and Policy 8 of the Core Strategy, which seek to maintain an appropriate housing mix within the City, and in particular promote the development and retention of family accommodation, of which there is a highlighted shortage.

Conservation area

7. The Council has expressed concern over the impact that the proposed development would have on the street scene and conservation area. In particular, the proliferation of refuse and recycling bins, increased demand for on-street parking, and the potential for litter, waste disposal and poor property maintenance have all been cited.
8. In respect of bin storage, I observed that the arrangements for existing properties in the vicinity varied from dedicated screened storage areas, to *ad hoc* storage within front gardens. Whilst I would agree with the Council that the latter arrangement has the potential to be visually intrusive, I note from the submitted plans that the intention would be to provide a dedicated storage area towards the side and rear of the property. As a consequence, I am satisfied that, subject to the detail of the screening being visually appropriate for the conservation area, that this would represent a satisfactory solution.
9. Turning to the parking arrangements for the property, I am not convinced that the property would be capable of supporting three off-street car parking spaces following conversion to flats as claimed. This would be as a consequence of the reliance on the garage as a space and also as a means of access to the upper flats and bin store. In this respect, I would agree with the Council's assessment that there would be likely to be the need for additional parking on-street. However, from my observations of the provision made for off-street parking at other properties and on street generally, it would appear that controlled on-street parking is already an established characteristic of the area. In this respect, I am not persuaded that the displacement of one or two additional

vehicles to park on street in the vicinity would have the claimed adverse effect on the character or appearance of the conservation area.

10. I have also considered the Council's contention regarding the possibility of the property being poorly maintained or that problems with regards litter and waste disposal may arise. However, whilst I appreciate the Council's concerns, no evidence has been submitted which demonstrates conclusively that such a situation would be likely to arise in this instance.
11. For the reasons above, I am satisfied that the proposed development would preserve the character and appearance of the conservation area. The proposal would not therefore conflict with Policies 10 and 11 of the Core Strategy, which require new development to create an attractive environment, whilst conserving and/or enhancing the historic environment and heritage assets.

Other Matters

12. I have had regard to the Council's assessment that the conversion of the dwelling to flats would not be likely to have a direct detrimental effect on the living conditions of neighbouring occupiers, which is a conclusion with which I would agree. However, this would be a neutral factor and would not therefore provide any weight in support of the proposals.

Conclusion

13. I have concluded that the proposed conversion of the dwelling to flats would not result in an adverse impact on the character or appearance of the conservation area. However, I have found that the loss of a family dwelling would be unjustified in the context of the identified need for family accommodation within the City, and that this loss would attract significant weight.
14. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M Seaton

INSPECTOR