
Appeal Decision

Site visit made on 30 November 2016

by Andrew Dawe BSc(Hons) MSc MPhil MRTPI

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

Decision date: 12 December 2016

Appeal Ref: APP/Q3060/W/16/3157185

84 Noel Street, Nottingham, Nottinghamshire NG7 6AU

- 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 Mrs Nazma Begum against the decision of Nottingham City Council.
 - The application Ref 15/03211/PFUL3, dated 4 March 2016, was refused by notice dated 10 May 2016.
 - The development is to change present 4 bedroom to 5 bedroom.
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Decision

1. The appeal is allowed and planning permission is granted for change present 4 bedroom to 5 bedroom at 84 Noel Street, Nottingham, Nottinghamshire NG7 6AU in accordance with the terms of the application, Ref 15/03211/PFUL3, dated 4 March 2016, and the plans submitted with it.

Procedural Matters

2. The description in the above header is taken from the original planning application form. However, it is clear from the appellant's submissions that the appeal relates to a change of use from a family dwelling house to a house in multiple occupation (HMO) (Use Class C4). I have determined the appeal on that basis although I note the Council's reference to the potential for the house layout to provide six bedrooms despite the submitted plans only showing four bedrooms. The use, with four bedrooms in the layout shown on the submitted plans, has commenced at the site.
3. The Council, in its decision notice, refers to its Building Balanced Communities Supplementary Planning Document. I have applied some weight to that document due to its role in supporting the relevant development plan policies.
4. The postcode of the site shown on the original planning application form reads as NG7 6A. However, both the appeal form and Council's decision notice clarify this to be that which I have included in the above header.

Main Issues

5. The main issues are:
 - i) the effect of the development on the living conditions and amenities of neighbouring occupiers and the surrounding area generally in respect of noise and disturbance, property upkeep, waste disposal, on-street
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parking, the high turnover of occupants and the absence of residents outside of term time;

- ii) the effect of the development on the creation and maintenance of a balanced and sustainable community.

Reasons

Living conditions and amenities

6. The use as an HMO would inevitably involve more separate comings and goings by the independent occupiers, including the potential for some degree of increase in the amount of private vehicle activity in the street. This in turn would be likely to increase the amount of noise generated to a degree, such as from outdoor conversations, car engines running, and the slamming of car doors. However, the neighbourhood, particularly on the eastern side of Noel Street and beyond to the rear of the site, is of a fairly high density. This is therefore likely to generate a fairly high degree of person and vehicle activity generally. There is also some degree of noise generated by the tram running along the street.
7. For these reasons, it is unlikely that the level of additional noise and disturbance generated by HMO residents at No 84 would be to such an extent as to cause material harm generally or to the immediate neighbours, even if they are in use as family dwellings. I also have no substantive or documentary evidence to indicate any existing problems with anti-social behaviour associated with No 84 or in the area generally and so have insufficient basis to consider that this would be any more likely in the future than is currently the case.
8. The properties in the street, with their small front gardens behind front walls maintain a pleasant generally well kept appearance to the street scene in the vicinity of the site and the appeal property is no exception. Although it is not generally clear from the external appearance of those existing properties as to whether they are single family dwellings or HMOs, a few have more than the standard two waste bins visible in the front gardens, suggestive of more intensive use of the properties concerned.
9. Although the bins are visible in the front gardens, even where there are more than the standard, they are partially screened by the front boundary wall. If anything the front wall to the appeal site is slightly higher than some others and so provides a greater degree of screening. Generally there is no material evidence of problems associated with provision for waste disposal nor that such provision, even with several bins to a property, significantly detracts from the appearance of the street.
10. I therefore have no substantive evidence to indicate a likelihood of future poor property maintenance or inappropriate management of waste disposal.
11. In respect of on-street parking, I note that there is provision in the vicinity of the site for permit parking, restricted to the eastern side and a layby further along from the site on the opposite side, due to the tramline. Concern has been raised about pressure for spaces.
12. Use as an HMO involves the occupants living independently, with potential for each to own a car and increase demand for parking spaces in the street. That potential would increase if the number of bedrooms was to rise to five or six.

However, the property is located in a highly accessible location in terms of proximity to facilities and services provided within the city for day to day needs, including a supermarket on the opposite side of the road, and to places of employment and study, with close access also to public transport, including the tramline.

13. It is therefore not inevitable that all occupants do or would own a car. I therefore have insufficient basis to consider that the use concerned does or would materially increase the demand for on street parking spaces locally, compared with a single dwelling. Furthermore, I have received insufficient substantive evidence, such as a parking survey, to demonstrate that there is or would be insufficient on-street capacity.
14. The nature of the use would be more likely to have a high turnover of occupants than a family dwelling, and if occupied by students would be more likely to be vacated for some or all of the periods outside of term time. However, it is unlikely that, in the context of the density of properties in the vicinity and the large number of retained family dwellings, the change of use concerned would materially alter the general character of the area in this respect.
15. For the above reasons, I conclude on this issue that the development does not, and would be unlikely to in the future, cause unacceptable harm to the living conditions and amenities of neighbouring occupiers and the surrounding area generally in respect of noise and disturbance, property upkeep, waste disposal, on-street parking, the high turnover of occupants and the absence of residents outside of term time. As such, it accords with policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (the ACS) and policies NE9 and T3 of the Nottingham Local Plan Saved Policies (the Local Plan) which together, in respect of this issue, require development to, amongst other things, create an attractive, safe, inclusive and healthy environment, to take account of the impact on the amenity of nearby residents, to prevent the generation of pollutants that would cause significant detriment to the users of adjoining land or the environment, and to provide for appropriate levels of parking.

Balanced and sustainable community

16. As previously referred to, there is generally no clear visual evidence of other HMOs in the street, albeit that some properties on the eastern side have more than the standard two waste bins. I have also not received any detailed substantive evidence to indicate that there is already an over-concentration of HMO accommodation, including student accommodation, in this particular vicinity in terms of an appropriate balance with family dwellings.
17. No 84 is of a size clearly suited to use as a family dwelling and I acknowledge the emphasis on providing family housing in the area. However, the loss of this one potential family dwelling is unlikely to represent a material and harmful shift in the nature of accommodation locally away from that emphasis on family housing.
18. For the above reasons, I conclude on this issue that the development does not prevent the creation and maintenance of a balanced and sustainable community. As such, it accords with policy 8 of the Core Strategy and policy ST1 of the Local Plan, and is not at odds with the aims of the SPD, which

together, in respect of this issue, require residential development to create and maintain sustainable, inclusive and mixed communities with, in Nottingham City, an emphasis on providing family housing.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

Andrew Dawe

INSPECTOR