
Appeal Decision

Site visit made on 24 January 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 15th February 2017

Appeal Ref: APP/Q3060/W/16/3160145

1 Swenson Avenue, Nottingham, NG7 2LP

- 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 M Riasat against the decision of City of Nottingham Council.
 - The application Ref: 16/00643/PFUL3, dated 9 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is a two storey side and single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. It is not in dispute between the parties that the built form of the extension is acceptable and the Council has not raised any issues in respect of the effect of the development on the appearance of the area or the street scene. Nor has it raised any concerns with regard to the effect of the development on neighbouring houses in respect of outlook, light and overshadowing. From the evidence before me, and from what I saw when I visited the site, I have no reason to arrive at a different conclusion.
3. Therefore, the main issues in this appeal are:
 - The effect of the proposed development on the character of the area, with particular regard to the creation and maintenance of a balanced and sustainable community;
 - The effect of the proposal on the living conditions of the occupiers of nearby residential properties, with particular regard to noise and disturbance; and
 - The effect of the proposal on parking and highway safety in the area.

Reasons

4. The appeal building is a detached, two storey, brick built dwelling situated at the junction of Swenson Avenue and Arnesby Road within a small residential estate. It has garden areas to the front and side that are laid to grass and a small rear garden area. There is a detached garage and driveway to the rear of the building accessed from Arnesby Road and a driveway capable of accommodating a single car to the front of the property, accessed from Swenson Avenue. The house is currently let out as student accommodation and has four tenants.
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Character of the area

5. Taken together Policy 8 of the Nottingham City Aligned Core Strategy (Part 1 Local Plan) 2014 (Core Strategy) and Saved Policies ST1 and H6 of the Nottingham Local Plan 2005 (Local Plan) are permissive of new development, including student accommodation, where it will help to create and maintain sustainable and balanced communities in accessible locations, and where it will not adversely affect the living conditions of existing residents.
6. The City of Nottingham Building Sustainable Communities Supplementary Planning Document 2007 (SPD), which has to be read alongside these policies, sets out the Council's approach to student housing provision and seeks to restrict the provision of further student housing within areas that have a recognised over-concentration of students, and where the creation and/or maintenance of balanced communities is threatened.
7. The SPD identifies areas that are unbalanced or in danger of becoming unbalanced as those where the number of student households exceeds 25% of those in the specified 'output' area. It is common ground between the parties that the appeal building is in an area where between 33.4% and 38.8% of households are student households.
8. Whilst I am mindful that the proposed development would not result in the loss of a further dwelling to student accommodation and would only result in the creation of two additional bedrooms, nonetheless, the concentration of student households in the area is substantially above the SPD threshold and the proposal would further increase the student population of the area.
9. I saw when I visited the site that there are five other properties in Swenson Avenue and three in Martinmass Close, which leads off it, that are clearly advertised as to let for student accommodation. This is a relatively high proportion of the dwellings within a small cul-de-sac. In my view, any further intensification of the student population would continue to erode the residential character of the area and further contribute to an unbalanced community. I also share that Council's view that similar applications for small extensions to existing student houses could lead to a cumulative impact that would exacerbate the existing problem of an over-concentration of students and an unbalanced housing mix in this area. This would be inconsistent with the advice in the National Planning Policy Framework (the Framework) which seeks to create sustainable, inclusive and mixed communities.
10. I have had regard to the appellant's points that the site is in proximity to a teaching hospital and the University of Nottingham's Jubilee Campus, and that students will use local shops and facilities. Nevertheless, this would not overcome the increase in the short term, transient, population of the area or the effect on the residential character of the area resulting from a succession of short term occupancies of properties.
11. I have also noted the appellant's point is respect of increased student numbers at the two universities and the potential for increased pressure for conversion of family houses to student accommodation. However, no substantive evidence in respect of the need for student accommodation or the numbers of bed spaces that may be coming forward through the construction of purpose built student accommodation has been submitted which would justify making a

decision that would conflict with the Council's strategy for student housing provision.

12. I therefore conclude that the proposed development would cause harm to the character of the area with particular regard to creation and maintenance of a balanced and sustainable community. It would be contrary to the relevant requirements of Core Strategy Policy 8 and Local Plan Policies ST1 and H6 and the advice in the SPD, which seek to create balanced and sustainable communities having regard to the concentration of student accommodation.

Living conditions of adjoining occupiers

13. The appeal building is located in a quiet housing area. Although the background noise levels were low at the time of my site visit, I consider that it is unlikely that two additional bedrooms at the appeal building would result in significantly increased noise and disturbance in the area. I note that the Council's Environmental Health Officer, whilst commenting in respect of construction noise, has not raised any concerns in respect of noise from the use of the property.
14. Whilst I have noted that the SPD suggests that there are potential issues of noise and disturbance arising in areas with a high concentration of student accommodation, there is no substantive evidence of noise nuisance or antisocial behaviour in connection with the appeal building or others nearby. As I have set out above, the Council has not raised the effect of the development on neighbouring houses in respect of outlook, light and overshadowing as an issue.
15. Within this context, I find that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties with particular regard to noise and disturbance. The development would meet the relevant requirements of Policy H6 of the Local Plan which seeks to ensure that the development of student accommodation would safeguard the living conditions of neighbouring residents.

Parking and highway safety

16. Local Plan Policy H6 also seeks to ensure that in developments for student housing any car parking arrangements do not affect the ability of local residents to park their own cars. I saw when I visited the site that Swenson Avenue and surrounding streets are subject to a parking restriction between 13:00 and 14:00 on Mondays to Fridays. Although I saw that some properties in the area had multiple vehicles parked at them, these were in the minority and there was no particular evidence of parking stress in area. Nor has any substantive evidence of parking problems been put to me. The appellant suggests that there is low car ownership amongst students and this is not challenged by the Council.
17. There is off-street parking available at the appeal building in the form of two driveways and a garage, and there are bus stops on Derby Road a short distance from the appeal site. The occupiers of the appeal building would, therefore, not necessarily be dependent on private cars to meet their transport needs.
18. I therefore conclude that the proposed development would not cause harm to parking and highway safety in the area. The proposal would in this respect

comply with the relevant requirements of Policy H6 of the Local Plan which seeks to ensure that new development does not affect the ability of local residents to park their own cars.

Conclusion

19. I have found that the proposed development would not cause harm to the living conditions of neighbouring residential properties or to parking and road safety in the area. However, I have found that the proposed development would be harmful to the character of the area with particular regard to the creation and maintenance of a balanced and sustainable community. In my view this is an important matter and, whilst the appeal proposal would meet some of the criteria of Local Plan Policy H6, this does not outweigh the need to maintain a balanced and sustainable community which is a key principle of the Council's development strategy as set out in Core Strategy Policy 8, Saved Policy ST1 of the Local Plan and the SPD, and which is reinforced by the Framework.
20. I therefore conclude that for the above reasons, and having regard to all other matters raised, that the appeal should be dismissed.

John Dowsett

INSPECTOR