
Appeal Decision

Site visit made on 9 May 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Q3060/W/17/3166774

46 Lenton Boulevard, Nottingham, NG7 2ES

- 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 T Tufail against the decision of City of Nottingham Council.
 - The application Ref 16/02228/PFUL3, dated 23 September 2016, was refused by notice dated 5 January 2017.
 - The development proposed is a first floor rear extension to create an additional bedroom.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect on the maintenance of a balanced community with regard to the proportion of student housing; and (ii) the effect upon the living conditions of the occupiers of existing residential properties.

Reasons

3. The property is currently in use as a House in Multiple Occupation (HMO) and has an HMO licence for 5 occupants. The area in which the site is located is a popular place for student shared accommodation. 'The Building Balanced Communities' Supplementary Planning Document (SPD) details the problems associated with an over-concentration of students within an area. These include an impact on facilities, such as schools, due to changes in the population structure; poor property maintenance; careless waste disposal; high levels of car ownership but limited parking provision; property price increases driven by rental returns thereby discouraging owner occupation; a high concentration of one age group which undermines the 'natural forces' of social control that exist in more balanced communities; noise disturbance; high levels of residential turnover resulting in little long term commitment to the area; and 'ghost town' syndrome caused by a lack of residents outside of term times.
 4. The SPD indicates that where an area has a proportion of student households of 25% or above, then the community is at risk of being unbalanced. It advises that applications for student accommodation will normally be refused in areas where student households form 25% or more of the households in an area.
 5. The Council has provided data which indicates that the appeal property is located in an 'output area' which has a proportion of around 64% of student households and the average for the area surrounding the site is around 57%
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student households. This is significantly higher than the 25% threshold set out in the SPD.

6. The additional bedroom would intensify the use of the HMO by allowing increased occupation of the dwelling. On its own, a single additional bedroom would have only a very small impact upon the balance of the community. However, whilst each application and appeal must be treated on its individual merits, I appreciate the Council's concern that approval of such proposals could be used in support of similar schemes. I consider that this is not a generalised fear of precedent, but a realistic and specific concern due to the large number of similar properties in the area. Allowing this appeal would make it more difficult to resist further planning applications for similar developments, and I consider that, if extensions to increase the occupancy of student accommodation are repeated, their cumulative effect would exacerbate the existing problem of an unbalanced community mix in the area.
7. The outrigger to be extended abuts the rear windows of the appeal property. These windows already look onto a very narrow space which is enclosed by the outrigger on one side and a tall fence on the other. The proposed first floor extension would exacerbate what is already a very enclosed and shaded outlook. As a result, the proposed development would have an unacceptably overbearing effect upon the outlook from the rear windows of the property, especially the ground floor kitchen window, and it would further limit the amount of daylight and sunlight to these windows. Due to the close proximity of the outrigger to the rear windows of the adjoining property, No 48, the outlook from this property would also be similarly affected.
8. I conclude that the development would have a detrimental effect upon the community balance and would harm the living conditions of the occupiers of both the appeal site and those of No 48. As such, it would conflict with Policies 8 and 10 of the Nottingham City Aligned Core Strategy, and Policies ST1 and H6 of the Nottingham Local Plan. In combination, these policies seek to protect residential amenity and to ensure a mix of housing tenure and type in order to create sustainable, inclusive and mixed communities. It would also be contrary to the National Planning Policy Framework which indicates that planning should create sustainable, inclusive and mixed communities and protect the amenity of existing and future occupiers of land and buildings.

Conclusion

9. I have considered all other matters raised but none outweigh the conclusions I have reached and the appeal is dismissed.

Siobhan Watson

INSPECTOR