The Planning Inspectorate

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: 26 May 2017

Appeal Ref: APP/Q3060/W/17/3167070
6 Hawton Crescent, Nottingham, NG8 1BZ

- 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 Ms Nitisha Kapoor against the decision of City of Nottingham Council.
- The application Ref 16/02497/PFUL3, dated 30 October 2016, was refused by notice dated 23 December 2016.
- The development proposed is the change of use from a dwellinghouse (C3) to a house in multiple occupation (C4).

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 18 May 2017.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (C3) to a house in multiple occupation (C4) at 6 Hawton Crescent, Nottingham, NG8 1BZ in accordance with the terms of the application, Ref 16/02497/PFUL3, dated 30 October 2016, subject to the following conditions:

    1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: HM Land Registry location plan; floor plans.

Main Issues

2. The main issues are (i) the effect on the maintenance of a balanced community with regard to the proportion of houses in multiple occupation; (ii) the effect upon the living conditions of the occupiers of nearby residential properties; and (iii) whether the proposal would preserve or enhance the character or appearance of the Middleton Boulevard Conservation Area.

Reasons

Community Balance

3. The property is a bungalow within a predominantly residential area. Given the proximity of the site to the University of Nottingham and the Queens Medical

Centre Teaching Hospital, the Council is concerned that if the property were to be used as a house in multiple occupation (HMO) it would be occupied by students.

4. '*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; a lack of maintenance of rented homes; careless waste disposal; high levels of car ownership but limited parking provision; property price increases driven by high rental returns thereby discouraging owner occupation; a high concentration of one age group which undermines the 'natural forces' of social control; 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.

5. 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.

6. The Council has provided data which indicates that the appeal property is located in an 'output area' which has a proportion of around 11.5 % of student households. The average for the area surrounding the site is around 9.6%. This is significantly lower than the threshold set out in the SPD.

7. I note the Council's comments that the area is under threat from becoming imbalanced but such a "threat" is not substantiated by the Council's own figures. I note the Council's and neighbours' fear of precedent but by allowing the appeal, I am not preventing the implementation of the 25% threshold.

8. I conclude that the development would not have a detrimental effect on the maintenance of a balanced community. As such, I find no conflict with Nottingham City Aligned Core Strategy (CS) Policy 8; Policies ST1 and H6 of the Nottingham Local Plan; or the SPD. These policies seek, amongst other things, to influence the mix of housing in an area by controlling the level of student accommodation, having regard to the desirability of creating and maintaining a balanced community. Neither do I find conflict with Paragraph 50 of the National Planning Policy Framework which indicates that planning should create sustainable, inclusive and mixed communities.

Living Conditions

9. The Council's SPD details numerous problems that are associated with having high concentrations of HMOs which are often occupied by students. However, these are problems that become noticeable when there is a high concentration of HMOs in an area. This particular area does not have a high concentration of HMOs. The comings and goings to and from the property would not necessarily be any more frequent than they would be if the house were inhabited by a large family.

10. The road in front of the house is narrow and there are parking restrictions in the area. However, I noted at my visit that the site has enough space within it to park at least four cars and it is not inevitable that every occupant would have a car. Even in the eventuality that all six occupants do have a car each, I

do not consider that parking one or two additional cars on the road would have such an impact upon the general levels of on-street car parking in the area, that it would harm the living conditions of neighbours.

11. I therefore conclude that the proposed development would not harm the living conditions of the occupiers of nearby residential properties. In consequence, I find no conflict with LP Policies H2, H6 and NE9; CS Policy CS 10; and the SPD. In combination, these policies seek to protect residential amenity.

Character and Appearance

12. The Conservation Area is characterised by bungalows which are laid out to form a garden village estate. The bungalows are of a fairly uniform style and are characterised by their tall pitched roofs. At my visit it appeared that surrounding houses were fairly well maintained.

13. Given that I have found that the proposal would not result in the types of problems that can be caused by having a high concentration of HMOs in an area, and given that there are no external alterations proposed, I consider that the character and appearance of the conservation area would be preserved.

14. Consequently, I find no conflict with CS Policies CS 10 and CS 11 or LP Policies H2 and BE12. In combination, these policies seek to protect the public realm, local character, the historic environment and conservation areas.

Conditions

15. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord.

Conclusion

16. I have considered all other matters raised, including the representations from interested parties, and none outweigh the conclusions I have reached. The appeal is therefore allowed subject to the conditions.

Siobhan Watson

INSPECTOR