
Appeal Decision

Site visit made on 21 August 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 4 September 2017

Appeal Ref: APP/Q3060/W/17/3175766
46 Middleton Boulevard, Nottingham NG8 1AB

- 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 Miss Georgina King against the decision of City of Nottingham Council.
 - The application Ref 16/029/02/PFUL3, dated 20 December 2016, was refused by notice dated 3 March 2017.
 - The development proposed is an application for conversion of use from class C3 to C4.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed use on the balance and composition of the community; (ii) whether the proposed development would preserve or enhance the character or appearance of the Middleton Boulevard Conservation Area (MBCA) and whether nearby residents would be likely to experience acceptable living conditions with regards to noise and disturbance, litter, car parking, waste disposal, property maintenance and the occupation of the property throughout the year.

Reasons

Balance and composition

3. The Nottingham Local Plan (Local Plan) seeks to ensure that communities have a balanced mix of housing. Saved Local Plan Policy ST1 seeks to promote housing for families with children, and appropriate dwellings for older or disabled people. Saved Local Plan Policy H6 seeks to ensure that the maintenance of balanced communities is not prejudiced as a result of the provision of student accommodation. Policy 8 of the Aligned Core Strategies Part 1 local Plan (ACS) seeks to maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Policy 8 places an emphasis on providing family housing.
4. The Building Balanced Communities Supplementary Planning Document (SPD) supports these aims and sets out that regard will be given to: *the percentage of households in a locality that are made up solely of full time students; and whether the area currently has relatively few student households, but is in danger of becoming unbalanced as numbers increase and the problems identified in appendix 2 are beginning to manifest.* In this regard, the SPD sets a threshold of 25% for properties to be occupied as student

households. It also confirms that this will be *an important material consideration, but it cannot be regarded as the determining factor in deciding any planning application.*

5. The site fronts Middleton Boulevard. This is a busy and well-trafficked route that has pedestrian and cycle routes alongside the six lane carriageway. Locally the area is made up of distinctive high pitched hipped roofed semi-detached and detached bungalows. These offer suitable family accommodation and contribute to the areas residential character, which, jointly with its history as a garden estate are behind its designation as the MBCA.
6. Council Tax records indicate that the output area which the appeal site forms part of, consists of 16.5% as student households. The proposal would not therefore take the concentration above the 25% threshold. However, the Scalford Drive¹ decision supports the points made by interested parties that the wider area is under increasing threat from an influx of Houses in Multiple Occupation (HMO). Additional HMOs would further erode the community and the properties within it which were originally built for small families and elderly residents. The site also borders an output area with a far greater concentration of student households. This is as high as 46.7%. While the site also bounds output areas with lower concentrations, these are mostly on the opposite side of the boulevard. So, while the current concentration is lower than the SPD threshold, the proposal would increase the concentration of student accommodation in the area further and lead to the loss of a family sized home.
7. Although the appeal site is in a different part of the city to Alexandra House and Dovenby Road², the scheme at Scalford Drive³ is nearby and within the MBCA. Regardless of these cases, an extra HMO would place further strain on the delicate balance of the community between family accommodation and student or HMO accommodation. Cumulatively, with other similar schemes, this would harm the balance of the community and risk undermining the character of the area as a garden estate. I recognise the dwelling would be occupied by a first-year medical student who intends to live in the property for several years, and that it could currently be occupied by up to three unrelated students. However, the evidence does not suggest that there is a shortage of HMOs in the area to serve, among others, the student population. Thus, this does not outweigh the desirability of retaining a family dwelling.
8. For these reasons, I conclude on this issue that the proposal would have a significant adverse effect on the balance and composition of the community. It would not accord with saved Local Plan Policies ST1 and H6, ACS Policy 8 and the SPD. These collectively seek all new development to contribute to the creation and maintenance of sustainable communities.

Living conditions

9. The appeal site and the adjacent bungalows facing the boulevard each have front gardens and or areas capable of providing off-street parking. The appeal property offers four bedrooms, two bathrooms, a kitchen and a living room.
10. The occupation of HMO properties is generally very different and used more intensively than when they are occupied by a family or a single person. Occupants, even if they own the property and share basic amenities, are far

¹ Appeal Decision Ref: APP/Q3060/A/13/2190388

² Appeal Decision Refs: APP/Q3060/A/12/2184342 and APP/Q3060/C/13/2198787

³ Appeal Decision Ref: APP/Q3060/A/13/2190388

more likely to make more extensive use of their bedrooms. Occupants in HMOs also come and go at different hours of the day and there are often a large number of visitors to the property. Whilst, the appellant remarks that two bedrooms could currently be let out, the proposal would be likely to, due to the close proximity of nearby residents, result in a greater occurrence of noise and disturbance. This would significantly affect residents living conditions. I accept the boulevard strongly influences local noise conditions, and insulation could be used to reduce the effect of noise and disturbance, but the type of noise and disturbance linked with HMO's has different noise characteristics to passing traffic. While the owner would live at the property for several years, any change to Use Class C4 would not restrict occupation to a particular type of tenant or occupier and it would, in this case, outlive its intended occupation by the owner.

11. Typically HMO's attract a higher level of car ownership compared to a family. The appeal site offers off-street parking space for about three vehicles. While this is lower than the five spaces which the appellant considers the site can accommodate, vehicles would need to cross the pedestrian footway, cycle lane and join the busy boulevard in forward gear to do so safely. Unlike nearby properties, the boulevard, offers no on-street parking due to restrictions. Nearby streets are also limited during daytime hours to permit holders only. But, there is no reason to suggest future occupiers could not secure a parking permit to use the on-street provision. Added to this, the site is near to bus stops in both directions which offer a range of services. Given the sustainable transport options available, the proposal would not, in my view, lead to further parking pressure in the area or present a further source of disturbance.
12. Concerns have also been raised in terms of waste disposal, litter, property maintenance and the occupation of the property during the year. However, I do not consider the proposal would necessarily cause harm in terms of these.
13. The site is within the MBCA. But, having regard to my findings in respect of these factors, I do not believe that the harm that I have found insofar as noise and disturbance would be so great or its impact so far-reaching as to indicate that the character of the MBCA would not be preserved. The scheme would not therefore conflict with Local Plan Policy BE12 and ACS Policy 11.
14. In drawing these matters together on this issue, I conclude that the proposal would comply with Local Plan Policy BE12 and ACS Policy 11 insofar as the scheme's effect on the MBCA. However, the proposal would be likely to give rise to harm to the living conditions of nearby residents in terms of noise and disturbance. This harm would outweigh my findings in respect of the MBCA. Hence, the proposal would not accord with Local Plan Policies NE9, H2 and H6 along with ACS Policy 10, which, among other things, seek to safeguard the living conditions of neighbouring residents or occupiers from the significant effects of development. This is consistent with the Framework paragraph 17 which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other matter

15. Although the appellant has concerns that the Council refused planning permission in a generic way following their initial feedback, I have considered this appeal on the basis of the evidence submitted, in accordance with the development plan, unless material considerations indicate otherwise.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR