



Appeal Decision

Site visit made on 28 December 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 12th January 2018

Appeal Ref: APP/Q3060/W/17/3181825

13 Sneiton Boulevard, Sneiton, Nottingham, NG2 4FD

- 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 B Harrington (Comfort Development Ltd) against the decision of the City of Nottingham Council.
 - The application Ref 17/01268/PFUL3, dated 6 June 2017, was refused by notice dated 4 August 2017.
 - The development proposed is a conversion from Use Class C3 to Use Class C4 (house in multiple occupation).
-

Decision

1. The appeal is dismissed insofar as it relates to extensions to the ground and second floor. The appeal is allowed insofar as it relates to the change of use from Use Class C3 to Use Class C4 and planning permission is granted for the change of use from Use Class C3 to Use Class C4 at 13 Sneiton Boulevard, Sneiton, Nottingham, NG2 4FD in accordance with the terms of the application, Ref 17/01268/PFUL3, dated 6 June 2017, so far as relevant to that part of the development hereby permitted and subject to the following condition:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.

Main Issues

2. The main issues are the effect on (i) the maintenance of a balanced community with regard to the proportion of houses in multiple occupation and (ii) the living conditions of the occupiers of nearby residential properties.

Reasons

Balanced Communities

3. The Council has failed to provide substantive evidence as to why the dwelling should remain in C3 Use. No useful explanation has been provided about how the change of use would prejudice the creation and maintenance of a balanced and sustainable community. Although "support of local schools" has been mentioned by the Council, I have no evidence that the change of use would prejudice the viability of any local school. Furthermore, I note the appellant's evidence that the property is in an area with a low proportion of student HMOs and the Council has not disputed the figures provided.
4. 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 or Policy ST1 of the

Nottingham Local Plan, 2005, (NLP) which seek, amongst other matters, to create and maintain a balanced community; to ensure an appropriate mix of house size, type, tenure and density; and to redress the housing mix within "areas of concentration" of HMOs. Whilst these policies support the provision of family housing, they do not preclude the provision of other types of accommodation. Neither do I find conflict with Policy H6 of the NLP which says that planning permission will be granted for student accommodation where the development or maintenance of balanced communities is not prejudiced.

Living Conditions

5. I accept that the external areas of HMOs are generally more poorly maintained than owner occupied family accommodation and that the disposal of rubbish is often carelessly managed in such circumstances. I also appreciate that groups of students can sometimes engage in anti-social behaviour. 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. Furthermore, there is no real evidence that the comings and goings to and from the property would necessarily be any more frequent than they would be if the house were inhabited by a family.
6. I note the comments from neighbours that there is a lot of parking pressure on Sneiton Boulevard, especially as dwellings tend not to have off-street provision and there is a community centre next door. That said, I noted at my visit that there was plenty of space to park on the street and I have no detailed evidence, such as parking surveys or photographs, to persuade me that the demand for on-street spaces is at an unacceptable level. Furthermore, given the urban location of the dwelling, it is not necessarily the case that every occupant would have a car.
7. I note comments from both parties in relation to the garage at the rear but this has been excluded from the appeal site and therefore I have attached little weight to its existence. Nevertheless, based on the evidence before me, I am unconvinced that the development 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.
8. 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 Policy H6 or CS Policy 10 which both seek to protect residential amenity.

Other Matters

9. The submitted floorplans indicate that the building would be extended on the ground and second floor. I have no details of what these extensions would look like so I am unable to judge their impact upon the living conditions of adjoining occupiers or upon the character and appearance of the area. Therefore, due to a lack of information I dismiss the part of the appeal relating to the extensions. I note the appellant's comments that the extensions would be erected under permitted development rights. My dismissal of the extensions does not affect whether or not future extensions would constitute permitted development.

Conclusion

10. For the above reasons I dismiss the part of the appeal relating to extensions but allow the change of use of the property to an HMO.

Siobhan Watson

INSPECTOR