



Appeal Decision

Site visit made on 14 May 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2019

Appeal Ref: APP/Q3060/W/19/3221345

241 Hucknall Lane Nottingham NG6 8AF

- 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 Rajvinder Bains against the decision of Nottingham City Council.
 - The application Ref 18/01474/PFUL3, dated 25 July 2018, was refused by notice dated 11 October 2018.
 - The development proposed is Change of Use to House in Multiple Occupation (C4) with ground floor rear extension, associated parking bin store and fencing.
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use to House in Multiple Occupation (C4) with ground floor rear extension, associated parking bin store and fencing at 241 Hucknall Lane Nottingham NG6 8AF in accordance with the terms of the application, Ref 18/01474/PFUL3, dated 25 July 2018, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not 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 floor plan: 10919/SK02/A
 - 3) Notwithstanding condition 2, prior to the first occupation of the development hereby permitted, details of the external appearance of the extension (including materials) shown on the submitted plans shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall proceed in accordance with the approved details.

Main Issues

2. The main issues are the effect of the development upon:
 - the availability of family housing, and
 - living conditions of neighbouring occupiers with regard to noise and disturbance.

Preliminary Matters

3. The description of development appearing on the application form contains extensive narrative. Whilst it is clear that the proposal involves a change of use of the premises, it is also apparent from the existing and proposed plans

provided together with the description of works set out on the application form, that an extension to the ground floor is also proposed to facilitate that use. No details of the external appearance of the extension have been provided.

4. I have seen nothing to indicate that the Council obtained the applicant's permission to change the description of development which does not include the word 'extension'. However, the extension is at ground level only, at the rear and small in size. I have, therefore, determined the appeal for the development as it appears to have been proposed in the application. In the interests of concision and accuracy, I have amended the description of development to what appears in the banner above.

Reasons

Family housing

5. The appeal site is an extended inter-war semi-detached house fronting a busy main road close to a traffic-light controlled junction and opposite several commercial premises. It sits at the junction with Grindon Crescent, a relatively narrow estate road forming part of a larger estate containing similar houses. It is not disputed that the housing around the appeal site is predominantly family housing.
6. Due to its corner location, 241 Hucknall Lane (No.241) occupies a tapered plot such that the rear garden area is constrained and very much smaller than typically found in other houses on the estate. This, taken with the density of traffic and the noise emanating from this busy road, means the appeal site is likely to be less attractive to families with children compared to other more quietly located properties in the locality, particularly those in the streets behind the appeal site. I do not consider the accommodation is of good quality with respect to the needs of families with children.
7. Saved Policy ST1 of the Nottingham Local Plan 2005 (NLP) sets out strategic objectives which includes consideration of planning applications for their contribution to 'the provision of a balanced mix of housing type, size and affordability' and 'particularly promoting housing for families with children'.
8. The general approach to housing size, mix and choice in the Aligned Core Strategy (2014) (ACS) for the Boroughs of Broxtowe, Gedling and Nottingham City states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. The supporting text to Policy 8 refers to the out-migration of children from Nottingham City and the Policy emphasises the provision of family housing.
9. Policy 8(4) specifically refers to the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation. The site is some distance from the University and locations where there is a concentration of student households. Based on the HMO license holder list obtained from the Council, the appellant states that there is no concentration of shared accommodation in the locality of the site compared to areas close to the University. My observations do not contradict this. The proposed HMO would therefore not contribute to a cumulative change in the predominant character of the area as family housing and there would, locally, be no imbalance to redress in favour of family housing.

10. It seems to me that the emphasis in policy is provision of the necessary family housing through new development. Whilst a robust approach to retaining existing family housing would be consistent with the expressed strategy, there is no requirement that *all* existing family housing should be retained regardless of its quality. The Council identify a different degree of emphasis upon retention of family housing in the emerging Nottingham City Council Local Plan Part 2 - Land and Planning Policies (LAPP), however, that document is still at examination.
11. Consequently, I conclude the proposal would not impair the provision of family housing or conflict with Policies ST1 of the NLP or Policy 8 of the ACS which, amongst other things, seek to promote the provision of good quality housing for families with children.

Noise and Disturbance

12. The Council suggest that the use of the property as an HMO would be detrimental to neighbouring occupiers in terms of noise and disturbance from increased intensity of use and different patterns of behaviour to that of families. The appeal site is some distance from the University. Noting that the 'Building Balanced Communities SPD' referred to by the Council seeks to address the problems arising from concentrations of student households, I attach weight to the appellant's suggestion that the occupants are likely to be young working people who are less likely to cause noise and disturbance (than student households).
13. Whilst the character of occupation of an HMO is likely to generate more comings and goings, the small number of rooms (4) means the level of activity and potential for disturbance would in any event not be particularly different to that which might arise from a large family in a single dwelling.
14. In addition, the dwelling is located on a busy road frontage where levels of activity and ambient noise levels are notably greater than in the main body of the estate, consequently any additional activity would not discernibly change the character or quality of the environment.
15. I therefore conclude the development would not have a materially detrimental impact on the living conditions of neighbouring users and would not conflict with Policy 10 of the ACS which, amongst other things, requires proposals to be assessed for their impact on the amenity of neighbouring residents. I also conclude the proposal would not conflict with Policy NE9 of the NLP.

Conclusion

16. The emphasis on providing more homes that are attractive to families within the City is a strategic priority and new development in pursuit of that objective will be of good quality. However, little harm arises from the loss of an existing dwelling from single-family occupation if the quality of that dwelling is compromised as is the case here due to its location and constrained plot. On balance, there would be a benefit from increased choice of accommodation in the local area which is predominantly family housing. Given my conclusion on the second main matter, the proposal would therefore accord with the development plan taken as a whole, and having taken all matters raised into account, the appeal succeeds.

Conditions

17. The Council have not suggested conditions. I have applied a condition requiring full details of the external appearance of the extensions to be approved and that the development should proceed in accordance with the approved plans. These conditions are necessary to ensure the development proceeds in accordance with the basis of this decision.

Andrew Boughton

INSPECTOR