
Appeal Decision

Site visit made on 8 July 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/Q3060/W/19/3227493
45 Wimbourne Road, Nottingham NG7 5PD

- 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 Kyle Stoddart against the decision of City of Nottingham Council.
 - The application Ref 18/02527/PFUL3, dated 6 December 2018, was refused by notice dated 31 January 2019.
 - The development proposed is the Change of Use to a House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council contend that the proposal could potentially accommodate up to 6 occupants. However, there is no evidence as to how this would be achieved. Therefore, I have determined the appeal on the basis of there being four occupants.
3. I have also had regard to the appellant's request that, were I minded to dismiss the appeal on the basis of four occupants, that I consider it on the basis of three occupants. However, the plans before me indicate four bedrooms and therefore I have considered it on this basis.

Preliminary Matter

4. During my site visit, I was unable to access the interior of the appeal property. However, I was able to view the property from the road and I am satisfied that the observations I made were sufficient to make an informed decision based on the evidence before me.

Main Issues

5. The main issues are whether the proposal represents an over concentration of Houses in Multiple Occupation (HMO's) in the area and in particular the need to maintain 'balanced communities', including the supply of family-sized dwellings; and, the effect on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

Housing

6. The appeal site comprises a three-storey, mid-terrace dwelling set within a row of similar properties on a predominantly residential street. A short distance to the north east is Alfرتون Road, which is a busy road comprising various commercial and retail units.
7. Policy 8 of the Aligned Core Strategies (ACS) 2014 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. Similarly, Policy ST1 of the Nottingham Local Plan (NLP) 2005 seeks to ensure that all development contributes to the creation and maintenance of sustainable communities, particularly by the provision of a balanced mix of housing size, type and affordability, particularly promoting housing for families with children and appropriate dwellings which allow older and disabled people to stay in their local community. Policy H6 of the NLP supports student housing where, amongst other things, the development or maintenance of balance communities is appropriate.
8. In support of the development plan's clear objective of seeking to provide balanced communities, the Council's Building Better Communities Supplementary Planning Document – Reissued March (SPD) 2007 sets out that an area is in danger of becoming 'unbalanced' if the percentage of student households exceeds 25% of the total number of households in that area. In areas that exceed this figure, planning permission for student accommodation will be refused unless it can be clearly demonstrated that the community balance would not be adversely affected.
9. The appellant has not confirmed who would occupy the HMO. However, given the proximity of the site to Nottingham Trent University, it is reasonable to conclude that the occupants could be students.
10. The Council confirms that Wimbourne Road currently has two properties, Nos 40 and 43, that benefit from HMO licences, albeit they do not have planning permission. A local resident also states that No 49 is also a HMO. Nevertheless, the road is predominantly single-family housing. The Council also confirms that there are a number of properties on Alfرتون Road that have been converted into flats, although there is no indication that these are occupied by students. Overall, the current concentration of student accommodation in the immediate area is 16%, although there is no indication as to what the 'immediate area' is. Nevertheless, there is no dispute that the concentration of student accommodation has not reached 25%.
11. The explanatory text to Policy HO6 of the emerging Land and Planning Policies Document (ELPPD) states that a significant concentration is considered to be 10% or greater. The ELPPD is at an advanced stage, but as it has yet to be adopted, I attribute it only moderate weight. Nevertheless, it is a clear indication of the Council's concerns regarding the overconcentration of student accommodation.
12. Despite the current concentration of student accommodation falling short of the 25% threshold, the SPD states that in areas that currently have relatively few student households, but are in danger of becoming unbalanced as numbers increase and problems identified in Appendix 2 of the SPD, including significant problems of low level anti-social behaviour, in particular noise; high levels of resident turnover; and, 'Ghost town' syndrome caused by the absence of many

- residents outside term times, begin to manifest, regard will be had to whether the creation and maintenance of balanced communities is prejudiced.
13. There is no substantive evidence presented to me, or from the observations I made on site, that any of the problems set out in appendix 2 are beginning to manifest. Therefore, I do not consider that the proposal would result in any conflict with the SPD in this regard.
 14. Notwithstanding this, there are already HMOs on this relatively short road, with one adjoining the appeal property, one being two properties away in the same row and another almost directly opposite. The addition of the proposed HMO to the localised concentration of existing HMOs, and the consequential loss of a family-sized house, would significantly increase the number of students on this part of the road.
 15. Given the nature of student accommodation, occupants generally vacate the property outside term time and do not make the social contributions to community cohesion that permanent residents do. For certain parts of the year, a significant number of properties on the street could be largely vacant.
 16. Overall, I find that the proposal would result in an overconcentration of student accommodation in the area, which would significantly harm the balance and mix of housing in the area, including the loss of a family-sized house. As such, it would be contrary to Policy 8 of the ACS and Policies ST1, H2 and H6 of the NLP, which generally seek to promote balanced communities.
 17. The first reason for refusal as set out in the Council's decision notice also cites Policy 10 of the ACS. However, this relates to design and local identity rather than balanced communities. Therefore, I do not find any conflict with this policy with regard to balanced communities.

Living Conditions

18. The proposal would result in a level of noise and disturbance, for example from people conversing inside/outside the property, multiple sources of music and televisions playing and doors frequently closing, which could be readily discernible from the adjoining dwelling. In culmination with the existing localised concentration of HMOs, this would likely lead to a discernible conflict between the lifestyles of students and local residents. This is generally with regard to noise, untidy properties, anti-social behaviour and increased comings and goings. These concerns fluctuate throughout the year due to students often vacating the properties outside term times, which results in a change in the demands upon local facilities. As a result, an over concentration of HMOs creates an imbalance in the housing provision in the local community which can have a harmful effect on the general residential amenity associated with family residential accommodation. Given the proximity of the appeal site to existing HMOs on the same road, I share the Council's concerns that the proposal would lead to these harmful effects to the living conditions of the established local residents.
19. I acknowledge that the appellant would be one of the occupants and therefore would have some degree of control over the behaviour of his fellow occupants. However, should the appellant move out of the property or sell it, the future effectiveness of the management of the occupants would be uncertain.

20. I have had regard to the existing parking demands on Wimbourne Road and the lack of on-site parking provision. Occupants of the HMO would likely be students, which, in my experience, very few own a car. Given the good access links to amenities and the University, and that the proposal would only be occupied by four people, it is unlikely that the car ownership rate would be materially higher than that of a family occupying the property. Therefore, I do not find that there would be any significant increase in on-street parking demands.
21. I find therefore that, in culmination with existing HMOs, the proposal would result in a significantly harmful effect on the living conditions of neighbouring residents, with particular regard to noise and disturbance. As such, it would be contrary to Policy 10 of the ACS, which seeks to ensure that development protects the amenity of nearby residents. It would also be contrary to Policies H2, H6, NE9 and T3 of the NLP, which, amongst other things, seek to ensure that development safeguards living conditions and prevents noise pollution. In addition, it would fail to accord with the advice set out in the SPD, which also seeks to protect residential amenity.

Other Matters

22. I acknowledge the appellant's contention that one of the existing occupants is a medical student and would work in a local hospital. However, despite there being no evidence to suggest that this occupant would reside at the appeal property indefinitely, the positive contribution he makes to the community does not outweigh the potential harmful effects I have identified above.

Conclusion

23. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR