The Planning Inspectorate

Appeal Decision

Site visit made on 15 July 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2019

Appeal Ref: APP/Q3060/W/19/3227773
70 Colwick Road, Nottingham, NG2 4DE

- 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 Christopher Valentine against the decision of Nottingham City Council.
- The application Ref 18/02469/PFUL3, dated 26 November 2018, was refused by notice dated 18 January 2019.
- The development proposed is the change of use from a C3 family dwellinghouse to C4 housing in multiple occupation.

Decision

1. The appeal is allowed and planning permission is granted for the change of use of a C3 dwellinghouse to a C4 house in multiple occupation at 70 Colwick Road, Nottingham NG2 4DE in accordance with the terms of the application 18/02469/PFUL3, dated 26 November 2018, 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: OS MasterMap dated 3 December 2018 (site location plan); the Land Registry Plan, and the Floor Plan.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues relating to this appeal are the effect of the development on the availability of family accommodation and whether the proposed development provides an appropriate housing mix in the locality, and on the living conditions of the neighbouring properties with respect to noise and disturbance.

Reasons for the Recommendation

4. The appeal site is at the end of a terrace of dwellings located in Colwick Road at the junction with Trent Lane. This part of Colwick Road and the surrounding streets are primarily comprised of residential properties, with a few commercial units at ground floor level along Colwick Road and a church opposite the

junction with Trent Lane. The proposal is for a change of use of the property from a C3 dwellinghouse to a C4 house in multiple occupation (HMO).

5. The change of use allows for a small HMO for up to 6 residents. This type of change of use is normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for planning permission. However, the Council has introduced an Article 4 Direction to remove this permitted development right.

Family Accommodation

6. Policy ST1 of the Nottingham Local Plan adopted in 2005 (the Local Plan) seeks to provide and maintain balanced communities within the City and to redress the housing mix within areas of concentration of HMOs. Policy 8 of the Nottingham City Aligned Core Strategy adopted in 2014 (the Core Strategy) places an emphasis on providing family housing within the City.

7. The Council refers to Policy HO2 of the Nottingham City Land and Planning Policies Document (LAPP) and acknowledges that this document is not yet adopted. Policy HO2 of the LAPP refers to a presumption against the loss of C3 dwelling houses. I attach limited weight to this policy as the LAPP has not been adopted, however the policy largely replicates the existing adopted polices above.

8. Though concerned about the loss of family accommodation, in this case the Council has failed to provide sufficient evidence that the development leads to an over-concentration of HMO development. The Planning Officer's report acknowledged that properties along this part of Colwick Road are, with very few exceptions, in use as Class C3 family dwellings. I consider that the development does not result in an over-concentration of HMOs in the area and, as a consequence, it does not lead to an unacceptable loss of family accommodation.

9. I therefore conclude that the development does not have an unacceptable effect on availability of family accommodation in the locality. As such, it accords with the intentions of Policy ST1 of the Local Plan and Policy 8 of the Aligned Core Strategy, in this regard. Whilst these policies support family housing, they do not preclude other types of accommodation.

Living Conditions of Neighbouring Properties

10. The submitted floorplans show the layout of the property would be typical of a four-bedroom family house with two reception rooms, a kitchen and a bathroom. Whilst the intensity of the use, including the use of the bedrooms, may differ from that of a single family house, I do not consider that the change to a small HMO use is likely to materially affect the amenities of neighbours, since the use of the house by a single family could generate the same amount of activity, noise and disturbance in and around it.

11. There is nothing before me to support the Council's concerns that ground floor living rooms would be converted to additional bedrooms. However, even if that were to be the case I am unconvinced any comings and goings associated with the additional bedroom accommodation would cause any significant increase in noise and disturbance.

12. I therefore conclude that a C4 HMO use would not have a harmful effect on neighbours' living conditions, and consequently find that the proposal accords with Policy NE9 of the Local Plan and Policy 10 of the Aligned Core Strategy, which deal with residential amenity.

Conditions

13. In the absence of any suggested conditions from the Council, the standard time limit on the commencement of the development is included together with a plans condition for certainty.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the conditions above.

S Ashworth

INSPECTOR