



Appeal Decision

Site visit made on 2 July 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2019

Appeal Ref: APP/Q3060/W/19/3224087
7 Wemyss Gardens, Nottingham NG8 1BJ

- 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 Anwar Rashid against the decision of City of Nottingham Council.
 - The application Ref 18/02412/PFUL3, dated 7 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is change of use from a family residence to a house of multiple occupancy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:-
 - The mix and balance of housing in the area; and
 - The living condition of the occupiers of nearby dwellings.

Reasons

Housing mix and balance

3. The appeal property is a large detached dwelling, located on a cul-de-sac of similarly large dwellings of various designs. The appellant states that they have been unable to rent out the dwelling since the previous use as an 8-bedroom house in multiple occupation (HMO) ceased in 2017. I note from the statement of the Council that this was an unauthorised use, and planning consent was refused following an enforcement investigation. The appeal property appeared to be occupied at the time of my site visit.
4. Policy 8 of the Greater Nottingham Aligned Core Strategy (2014) (the ACS) has an emphasis on providing family housing, including larger family housing, but the policy also considers that development should provide and contribute to a mix of tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Whilst this is acknowledged by the appellant, it is suggested by the appellant that the previous use as an HMO and the low HMO conversion rate within the street scene contribute to the requirement to provide a mix of tenures.
5. Notwithstanding this approach, the previous use was unauthorised, and according to the evidence supplied by the Council, that use attracted

considerable numbers of complaints in relation to the conduct of the occupants. Therefore, I attach little weight to the argument of the appellant.

6. It is not in doubt that the development would add to the mix of housing choice available, as set out in Policy 8, but Policies ST1 and H6 of the Nottingham Local Plan (2005) (the LP), further reinforced by the Building Balanced Communities Supplementary Planning Document (the SPD) all give an emphasis on the retention of family housing, which I attach significant weight to.
7. The evidence in front of me suggests that proximity of the University and the teaching hospital means that the area is acknowledged to have a high percentage of HMO properties. The SPD states that an area is in danger of becoming imbalanced if the percentage of student households exceeds 25% of the total number of households in that area. Evidence provided by the Council, which has not been disputed by the appellant, states that approximately 31% of properties in that area are occupied as HMO properties.
8. As a result, I find that the loss of a large family dwelling house would result in a detriment to the housing mix and balance, contrary to Policy 8 of the ACS, policies ST1 and H6 of the LP and the guidance set out in the SPD.

Living Conditions

9. The character of single-family dwellings can be significantly different from that of an HMO. The increase in density of occupation can have an effect on the activity generated by both people and vehicles, as well as the likelihood of requiring additional refuse facilities. The occupiers of a large HMO may have a different lifestyle, resulting in people movement, noise and disturbance at different times of the day and night in comparison with a single-family dwelling. From my site visit, it appears that Wemyss Gardens is a quiet residential cul-de-sac of large dwellings and the introduction of a HMO into the locality would affect the living conditions of local residents. The property was previously utilised as a HMO, albeit not authorised, and from the evidence in front of me, it would appear that there were issues in relation to its operation and how it affected the local residents.
10. With regard to this issue, I conclude that the development would be detrimental to the living conditions of existing neighbouring occupiers by way of noise disturbance through use and general activity. Therefore, the proposals are contrary to Policy 10 of the ACS, which sets out principles for the impact on neighbouring amenity, amongst other issues. Policies H6 and NE9 of the LP, which, when taken as a whole, look to control uses that could generate noise, air and light pollution, and affect the living conditions of neighbouring residents, and the SPD which seeks to give guidance on the correct apportionment of housing mix to facilitate balanced communities and reduce impacts to amenity. The SPD also does not differentiate between student and non-student HMO dwellings, due to the similar characteristics of the tenant groups.

Conclusion

11. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR