



Appeal Decision

Site visit made on 30 July 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/Q3060/W/19/3228468

81 City Road, Nottingham NG7 2JL

- 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 Sandeep Krishan (Krishan Projects Ltd) against the decision of City of Nottingham Council.
 - The application Ref 19/00150/PFUL3, dated 22 January 2019, was refused by notice dated 23 April 2019.
 - The development proposed is proposed single storey rear extension @ 81 City Road, Dunkirk, Nottingham NG7 2JR.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension @ 81 City Road, Dunkirk, Nottingham NG7 2JR in accordance with the application Ref 19/00150/PFUL3 dated 22 January 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

408 001 Existing Floorplans, Elevations, Site Block and OS Plan

408 002 Proposed Floorplans, Elevations, Site Block and OS Plan (Rev F)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Application for costs

2. An application for costs was made by Mr Sandeep Krishan (Krishan Projects Ltd) against City of Nottingham Council. This application is the subject of a separate Decision.

Procedural Matter

3. Notwithstanding the description of development set out above, which is taken from the application form, the Council's decision notice describes the proposal as 'proposed single storey rear extension to HMO (C4)' and I note that the appellant has used this description on the appeal form. This description more appropriately describes the proposed development, and I have therefore

considered the appeal on that basis as no party would be prejudiced or caused any injustice by me taking this course of action.

Main Issue

4. The main issue in this case is the effect of the proposal on the maintenance of a balanced community with regard to the proportion of student housing.

Reasons

5. The appeal property is a semi-detached dwelling, in an area predominately made up of terraced dwellings.
6. The property is within close proximity of both the University of Nottingham and the Queens Medical Centre. The local area is known to be popular with students and the dwelling is already in use as a house in multiple occupation (HMO). From the appellants statement, it is clear that the property has an approved use, and this is not disputed by the parties.
7. Policy 8 of the Greater Nottingham Aligned Core Strategy (2014) (the ACS) and Saved Policies ST1, H6 and NE9 of the Nottingham Local Plan (2005) (the LP) seek amongst other things to ensure that development would create and maintain sustainable and balanced communities and would not harm the living conditions of existing residents.
8. This is further reinforced by the Council's Building Balanced Communities Supplementary Planning Document (2007) (the SPD) which highlights the nature of such issues which can arise in areas of high student population and seeks to restrict the provision of further housing within areas that have a recognised over concentration of students and where the creation or maintenance of balanced communities is threatened.
9. The proposal would add additional communal space to the property for the benefit of the existing occupiers. It is not proposed to add additional bedroom space to the dwelling. The limited space provided would not significantly affect the density of the dwelling in terms of its use as an HMO. Whilst the additional communal space would potentially make the property more lettable, it would not allow the increase of bedrooms or occupants.
10. I therefore conclude that the scheme would not unacceptably harm the maintenance of a balanced community as the scheme would have a neutral effect on the existing student household proportion in the local area and would not conflict with Policy 8 of the ACS, or policies ST1, H6 and NE9 of the LP.
11. It also accords with the related guidance contained within the SPD and complies with paragraph 61 of the National Planning Policy Framework, which seeks, amongst other things, to address the size, type and tenure of housing needed for different groups, including students.

Other Matters

12. Regarding the previous appeal decisions supplied by the Council in relation to HMOs elsewhere, I do not have full details of those cases in front of me. Whilst there are some factors that appear similar to the proposed development, the examples are located in a different area with different development and locational characteristics to the appeal scheme. Nevertheless, I note that the Inspectors' conclusions of the effect on the maintenance of a balanced

community vary, highlighting that each proposal should be determined on its own merits.

Conditions

13. In terms of the conditions, those relating to time limits and approved plans are necessary in the interests of proper planning. A condition to ensure that the facing materials would match those present on the existing property has been included in the interests of the character and appearance of the host dwelling and surrounding area.

Conclusion

14. For the above reasons, I conclude that the appeal should be allowed.

Paul Cooper

INSPECTOR