
Appeal Decision

Site visit made on 24 September 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: Friday, 11 October 2019

Appeal Ref: APP/Q3060/W/19/3232422
159 Colwick Road, Nottingham NG2 4AP

- 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 Daniel Asker against the decision of Nottingham City Council.
 - The application Ref 19/00209/PFUL3, dated 30 January 2019, was refused by notice dated 21 March 2019.
 - The development proposed is a full planning application for the change of use of dwelling (Class 3) to a house of multiple occupation (class 4)
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of dwelling (Class 3) to a house of multiple occupation (class 4) at 159 Colwick Road, Nottingham NG2 4AP in accordance with the terms of the application, Ref 19/00209/PFUL3, dated 30 January 2019, 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 plans: OS Site Plan; Ground Floor; First Floor; Second Floor.

Procedural Issues

2. The Council has referred to the Nottingham City Land and Planning Policies Document (LAPP). Given its stage of the plan preparation, these policies have only limited weight. They, nevertheless, are broadly in line with the adopted development plan policies which the Council also rely.
3. It was apparent at the site visit that the property had already been in use in some capacity as independent living accommodation, some rooms were occupied by tenants and the internal arrangements included that all bedrooms were facilitated by locked doors. The application form also indicates it had a previous use as a shared house.
4. The Council has confirmed that no proposed layout plans were provided as part of the application submission, however the appellant has provided drawings to illustrate the floor layouts as part of their appeal submission. The Council has had sight of these and has not provided any comments, therefore on this basis I consider these to form part of my decision.

Main Issues

5. The main issues in this appeal decision are (i) the availability of family housing in the area and on the balance and sustainability of the community and (ii) whether the proposed development would affect the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

6. The appeal site is a three-storey terraced property within a predominantly residential area. There are a few commercial properties with ground floor units along Colwick Road, one of which adjoins the appeal site and features a shop at ground floor with residential above. The appeal property is only marginally set back from the main road and has a small front garden area, whilst the rear of the property is constrained due to the density of the area and has a small paved rear garden, as such the appeal site would be less attractive to larger families with children given its constraints particularly from the busy main road and lack of outside amenity area, compared to other located properties within the locality.
7. There appears to be some discrepancies with regards to the number of existing bedrooms as a dwelling. Given that there are no existing floor plans provided as part of the submission, internal work has been carried out at the property and it has been used as shared accommodation in some form previously, it would be difficult to establish the exact bedroom numbers. Nonetheless, the change of use would allow the property to be let as six independent bedrooms. Five bedrooms would be provided on the upper floors and one bedroom on the ground floor, with a communal kitchen, utility and living room all at ground floor, the appellant's plans which were provided with this appeal show this layout.
8. The Council has referred to mapping (Nomad) indicating that properties along this part of Colwick Road and surrounding streets are in use as Class 3 family homes, however no supportive evidence of this has been provided and in relation to the concentration of HMO's in the immediate area. Policy ST1 of the Nottingham Local Plan, 2005 (NLP) advises that family housing is important to sustain local communities, it promotes a balanced mix of housing size, type and affordability in the area. Policy 8 of the Nottingham Aligned Core Strategy, 2014 (CS) states that there should be an emphasis on providing family housing within the city. However, these policies do not specifically detail that HMO's should be resisted within communities or that a balanced community is made up purely of family houses.
9. Although the proposal would result in the loss of a substantial sized terraced dwelling, based on my observations on the site visit the area immediately surrounding the site appears to be primarily family housing. There is no evidence before me to suggest that that this particular part of the city has a high concentration of HMO's or an imbalance of family housing.
10. I therefore conclude the proposed development would not lead to an over-concentration of HMO development within the area and have an unacceptable effect on the availability of family housing to the detriment of a balanced and sustainable community in the locality. It would accord with Policy ST1 of the NLP and Policy 8 of the CS, which taken together seek to create and maintain a balanced community and ensures an appropriate mix of housing types. Whilst

these policies support family housing, they do not preclude other types of accommodation.

Living Conditions

11. The appeal property is of a substantial sized terraced dwelling and is capable of a large family living together. Residents of the proposed HMO would most likely be unrelated and the appellant confirms that the number of occupants would be a maximum of six. I consider the proposed development would not be dissimilar to that of a large family, particularly one with parents, relatives, young and older children all living together, and that the noise and disturbances would be similar in terms of coming and goings at the property. Furthermore, the location of the appeal site is directly adjoining commercial premises, where it would be anticipated that the site and nearby properties have already increased noise and disturbances taking place with the day to day activities of this business.
12. From the evidence before me, I find that it does not demonstrate that the proposed HMO would create additional noise and disturbance than that of a large family living together within the property. I therefore conclude that the proposed change of use to an HMO would not be harmful to the living conditions of neighbouring occupants and would accord with Policy 10 of the CS and Policy NE9 of the NLP, which require proposals to be assessed on their impact on the amenity of nearby residents and occupiers.

Conditions

13. In the absence of any suggested conditions from the Council, I have imposed the standard time limit on the commencement of the development and one to identify the approved plans, these are necessary in the interests of providing certainty.

Conclusion

14. For the reasons given above and taking all matters into consideration, I conclude that the appeal should be allowed.

Karen Taylor

INSPECTOR