



Appeal Decision

Site visit made on 23 September 2019 by Andreea Spataru BA (Hons) MA

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal Ref: APP/Q3060/D/19/3230168

13 Wellington Terrace, Arundel Street, Nottingham NG7 1NH

- 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 Charanjit Bodhan against the decision of Nottingham City Council.
 - The application Ref 18/02587/PFUL3 (PP-07451167), dated 28 November 2018, was refused by notice dated 14 March 2019.
 - The development proposed is described as "a loft conversion into habitable space".
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of loft into habitable space and installation of roof lights in association with use as a House in Multiple Occupation (use class C4) at 13 Wellington Terrace, Arundel Street, Nottingham NG7 1NH in accordance with the terms of application Ref 18/02587/PFUL3 (PP-07451167) dated 28 November 2018 and 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: 13WT PL_1 Rev 01, 13WT PL_2 Rev 01, 13WT PL_3 Rev 01, 13WT PL_4 Rev 01, 13WT PL_5 Rev 01, 13WT PL_6 Rev 01, 13WT PL_7 Rev 01, 13WT PL_8 Rev 01.
 3. The development hereby permitted shall not commence until details of the rooflights have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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.

Preliminary Matter

3. The description of development above has been taken from the planning application form. The Council used a more detailed description for the development: "Conversion of loft into habitable space and installation of roof lights in association with use as a House in Multiple Occupation (use class C4)".
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The appellant's appeal statement also refers to the more detailed description of proposal. As such, I have treated the appeal on this basis.

Main Issues

4. The main issues are:

- The effect of the proposal on the balance of the community, having regard to the level of student housing;
- The effect of the proposal on the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and parking; and
- Whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

Reasons for the Recommendation

Effect on the maintenance of a balanced community

5. The appeal property is a two-bedroom terraced dwelling located in a high-density residential area. The property is in an area covered by an Article 4 Direction which removes permitted development rights for the change of use of a single dwelling house to a house in multiple occupation (HMO), for between 3 and 6 people, within Use Class C4 of the Town and Country Planning (Use Classes) order 1987 (as amended). The appellant is seeking to increase the number of bedrooms from two to three and the occupancy from two to three students.
6. Saved policies of the Nottingham Local Plan (LP) (2005), namely policies ST1 and H6 state that development should contribute to the provision of a balanced mix of housing type and size and that student accommodation would only be granted where, amongst other things, the development or maintenance of balanced communities is not prejudiced. The Building Balanced Communities Supplementary Planning Document (SPD) (2007) amplifies existing policies in relation to student housing. It also details the methodology used for identifying areas with significant student household concentrations and outlines the Council's procedure of determining the effect of a proposal on the balance of the community. Whilst the SPD sets a threshold of 25% at which an area is considered to have a high concentration of student households, it also highlights the fact that the outcome of the threshold approach, although an important material consideration, cannot be regarded as the determining factor in deciding any planning proposals.
7. As indicated within the SPD, the Council uses Council Tax exemptions information to identify areas with significant student concentrations as all households consisting entirely of students are entitled to a Council Tax exemption. Following this process, the Council stated that the appeal property is located in an 'output area' that has a concentration of around 37.4% of student households, which clearly exceeds the 25% threshold. Both the appellant and the Council indicated that the appeal property is occupied by students; the appeal statement also states that the property has been primarily let to students for over 20 years. Given that the property is and has been occupied by students for some time, there is no evidence before me to suggest

that the property has not been included already in the above percentage of student households.

8. The next step of the process is to identify the average of student households for the area surrounding the site. The SPD states that when this percentage does not exceed 25%, local factors need to be considered. An emphasis is then put on the nature and scale of problems caused by students within the local area. The Council stated that the average for surrounding 'output areas', which include the 'core output area', is 21.1%. No evidence with regard to specific problems caused by students in the area has been provided by the Council, however I did note that various concerns about the effect of the proposal on the living conditions of the occupiers of neighbouring properties have been expressed. I have dealt with this issue in a separate section below.
9. Whilst I acknowledge that the appeal property is within an area with high concentration of student households, I consider that the development would not lead to a significant increase in the overall student population, given that the number of students would only increase from two to three. I note that the Council also considers the harm of the proposal limited and that their concern is about the cumulative impact that similar developments would have on the community balance. Whilst I acknowledge this concern, all developments need to be considered on their own merits
10. The Council has drawn my attention to two appeal decisions¹ it considers relevant. I note that the Inspectors dismissed the appeals on the basis of high levels of student accommodation, amongst other things. Whilst I do not have full details of those cases, I note that the percentages of student households, in each case, were significantly higher than those for the appeal site. The number of bedrooms/occupiers was also greater than the one proposed. Moreover, in both cases, the percentages of student households for the area surrounding the site exceeded the threshold of 25%. Thus, the context of the appeal proposal is not directly comparable to those of the previous cases.
11. Therefore, given the current and previous occupancy of the appeal property, the average of student households for the area surrounding the site, the lack of evidence with regard to problems caused by students in this area and the limited increase in the number of students, I find that the development would have a neutral impact on the current balance of the community. As such, it would not conflict with policies ST1 and H6 of the LP.

Living conditions

12. The Council suggested that the development could accommodate up to 6 students and that this potential number would be disproportionate to the size of the dwelling. The appellant stated that the number of students would not be more than 3; I have no reason not to accept the appellant's intentions regarding the number of students proposed and there is no substantive evidence before me that the building would not be capable of adequately accommodating the number of people proposed.
13. The Council also stated that the use of the dwelling as an HMO might lead to an increase in noise, anti-social behaviour, poorly maintained property and inappropriate management of waste disposal. However, no specific evidence

¹ Appeal references: APP/Q3060/W/16/3160649 & APP/Q3060/W/18/3203430.

has been provided which relates to the appeal property or this area. The small increase in the number of people living at the property would be unlikely to lead to an unacceptable level of noise or disturbance. There is not any indication that the building in question is poorly maintained, nor should it be assumed that the change of use to an HMO would result in such. Based on the evidence submitted by the appellant and from I have seen during my site visit there are no signs of problems in the area associated with waste disposal. I see no reason why a small increase in the number of people currently living at the property should lead to such problems in the future.

14. The SPD highlights the need to consider the nature and scale of problems caused by students within a local area and advises that information from the Public Health Team can be used. The Council have not provided any specific evidence relating to levels of noise, anti-social behaviour or other issues raised in the immediate area. Thus, I can only give limited weight to the above concerns over the nature of the use.
15. The Council has also raised concerns over the effect of the development on on-street parking. The property has a private drive to the front, which provides two off-street parking spaces. Considering the nature of the proposal and the small increase in the number of people living at the property, the existing off-street parking appears adequate. As such, based on what I have before me, I am not persuaded that the development would lead to material harm in this regard.
16. In conclusion, I find there would be no material harm to the living conditions of nearby occupants from the use of the property as an HMO. Accordingly, there would be no conflict with Policies H6 and NE9 of the LP or Policy 10 of the Greater Nottingham Aligned Core Strategies (ACS) which seek, amongst other things, to ensure the living conditions of neighbouring residents will be safeguarded, that parking arrangements do not affect the ability of local residents to park their cars and that noise pollution does not cause significant detriment to occupants of adjoining land.

Conservation Area

17. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
18. The development seeks to insert four rooflights; two of them would be into the front roof slope and two would be into the rear roof slope. The appeal dwelling occupies an elevated position with a significant level change; the front elevation faces Wellington Villas and has three storeys, and the rear elevation faces Ilkeston Road and has four storeys above a commercial ground floor unit. Given the height of the building and its siting in relation to the roads, the proposed rooflights would not be prominent within the street scene and would not harm the character and appearance of the area. Moreover, during my site visit I noted that there are a number of rooflights in this part of the conservation area, within proximity of the appeal site.
19. Thus, I am satisfied that the proposal would preserve the character and appearance of the conservation area. Accordingly, there would be no conflict with policy BE12 of the LP or Policies 10 and 11 of the ACS. These policies

require, amongst other things, for development to preserve or enhance the conservation area.

Conditions and Recommendation

20. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area further details of rooflights are required.
21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

S Ashworth

INSPECTOR