



Appeal Decision

Site visit made on 1 October 2019

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2019

Appeal Ref: APP/Q3060/W/19/3234173
165a Ilkeston Road, Nottingham NG7 3HF

- 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 M Muzafar against the decision of City of Nottingham Council.
 - The application Ref 18/02024/PFUL3 (PP-07311358), dated 27 September 2018, was refused by notice dated 14 May 2019.
 - The development proposed is erection of single storey side extension and conversion of dwelling to 2 apartments.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council altered the description of the development of application ref. 18/02024/PFUL3 (PP-07311358) to read "erection of single storey side extension and conversion of dwelling to 2 apartments". This is also the description used by the appellant on the appeal form. I consider this to be a more accurate description of the appeal proposals and I have therefore considered the appeal on this basis.
3. The appellant has raised concerns regarding the Council's handling of the case, and in particular with regard to the length of time taken to determine the original application. This is a matter that would need to be taken up with the Council in the first instance and in determining the appeal I have only had regard to the planning merits of the case.

Main Issue

4. The main issue in this case is the effect of the proposed development on the balance of the local community with particular reference to housing suitable for family occupation.

Reasons

5. The appeal property is a two storey detached dwelling situated on the southern side of Ilkeston Road. The property comprises a living room, lounge and kitchen on the ground floor with two double bedrooms, one single bedroom and a bathroom on the first floor. There is also a yard and outbuilding to the rear of the property with a boundary wall separating it from the adjacent neighbouring property and nearby recreation ground.

6. Policy ST1 of the Nottingham Local Plan 2005 (NLP) aims to provide a mix of housing type, size and affordability across the Plan area with an emphasis on promoting housing for families with children. Policy 8 of the Greater Nottingham Aligned Core Strategies document 2014 (ACS) also promotes the creation of sustainable, inclusive and mixed communities placing an emphasis on providing family housing (including larger family housing) within the City and the provision of flats with two or more bedrooms in the city centre to diversify the existing housing mix. The Building Balanced Communities Supplementary Planning Document 2007 (SPD) sets out the Council's approach to the provision of student housing and aims to restrict the provision of further student housing within recognised areas with an overconcentration of students.
7. The primary concern raised by the Council is that the proposed development would lead to the loss of a larger family dwelling in a part of the city that already has a shortage of such dwellings and hence further unbalance the mix of the local community. This concern relates to the fact that once converted there would be no way of ensuring that the proposed flats would remain occupied by families with the likelihood being that they would be rented by unrelated occupants such as students due to the high demand for such accommodation in the area. The evidence submitted by the Council indicates that the appeal property is located within an area with an overconcentration of student accommodation in the form of dwellings which have been converted to homes in multiple occupation (HMOs) comprising approximately 34% of households within it. This is above the 25% threshold set by the SPD.
8. Given that it has three bedrooms, a living room, lounge, kitchen and bathroom the appeal property can be described as a larger three bedroom family dwelling as set out by paragraph 3.8.4 of the ACS. As such I consider that the existing property represents a desirable residence for a family. The proposed ground floor flat would have two smaller sized bedrooms, a reasonably sized combined kitchen/living area and a small bathroom. The proposed first floor flat would also have two smaller sized bedrooms, a modest kitchen/living area and a small bathroom. As such I consider that the proposed flats would not be as desirable a residence for a family due to them having smaller bedrooms, smaller bathrooms and combined kitchen/living areas.
9. Consequently, given its design, layout and location relatively close to bus routes and the nearby University of Nottingham Jubilee Campus, it would be reasonable to think that the type of accommodation proposed would be attractive to students. Furthermore, based on the evidence before me, should the proposed flats be occupied by students this would mean that there could potentially be up to four unrelated persons occupying the proposed development. Accordingly, I consider that the proposed development would potentially create additional student housing in an area that already has an overconcentration of such accommodation. I also consider that the appeal scheme would remove a larger three bedroomed family dwelling from the area which would be at odds with the objective of ACS Policy 8 to increase the proportion of family housing outside of the city centre¹.

¹ See paragraph 3.8.5 of the ACS

10. I note the appellant's point that the proposed flats would be used as family homes. However, given the above considerations, if the proposed development was to proceed neither the appellant nor the Council would be able to ensure that they would remain as family dwellings in perpetuity.
11. The appellant has also suggested that all of the properties on Ilkeston Road consist of ground floor retail units with flats on the first floor above. When on my site visit, I did notice that there were some such properties on Ilkeston Road to the east of Rothesay Avenue. However, from what I saw this does not appear to be the case along the entirety of Ilkeston Road.
12. In support of the appeal scheme the appellant states that many two bedroomed family dwellings have been built in the local area where the Council did not assume that they would be rented by unrelated occupiers. However, I do not have all the details of these proposals before me or the circumstances which led to those decisions being taken and I have determined the appeal scheme on its own merits.
13. I also note the appellant's point that planning permission was previously granted for the appeal property to be converted to two apartments in 2013. However, the property was not in use as a family dwelling at that time meaning that its conversion then would not have resulted in a loss of larger family housing. In addition, the Local Plan Policy position has also since changed given the adoption of the ACS in September 2014. Consequently, the circumstances applicable to the previous grant of planning permission are not the same as those presented in this case, which I have determined on its own merits. In any event this planning permission has now expired.
14. I therefore conclude that the proposed development would conflict with Policies ST1 and H6 of the Nottingham Local Plan (adopted November 2005) as supported by the Building Balanced Communities Supplementary Planning Document (adopted March 2007) and Policy 8 of the Greater Nottingham Aligned Core Strategies document (adopted September 2014). These policies and guidance jointly aim to promote the creation and maintenance of sustainable, inclusive, mixed and balanced communities amongst other considerations.

Conclusion

15. For the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR