



Appeal Decision

Site visit made on 3 September 2019

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/Q3060/W/19/3231498

129 Harcourt Road, Forest Fields, Nottingham NG7 6PX

- 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 Amir Javid against the decision of City of Nottingham Council.
 - The application Ref 18/02064/PFUL3, dated 27 September 2018, was refused by notice dated 31 December 2018.
 - The development proposed is change of use from C3 to C4 (HMO).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from C3 to C4 (HMO) at 129 Harcourt Road, Forest Fields, Nottingham NG7 6PX in accordance with the terms of the application 18/02064/PFUL3 dated 27 September 2018, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no.1 dated 11/18 – Ground Floor Plan, Drawing no. 2 dated 11/18 – First Floor Plan.

Procedural Matters

2. At the time of my site visit the property had been arranged internally similar to the submitted plans for the House in Multiple Occupation (HMO) use and the rooflights had been installed in the bedrooms. There also appeared to be some occupation of the rooms. Therefore, I have dealt with the appeal on the basis that the development has commenced.

Main Issue

3. The main issue is whether the development would provide acceptable living conditions for the future occupiers of the HMO with regard to daylight and outlook.

Reasons

4. Number 129 Harcourt Road is a corner two-storey property in an area of mixed development. The ground floor of the building is in commercial use. The upper floor is accessed via a side entrance door from Harcourt Road. The property has previously been extended to the side and rear so that at first floor there is a large flat roofed area.
5. The building faces Harcourt Road and Gladstone Street. The main windows for the HMO accommodation are on the two street elevations. These windows are large and provide substantial amounts of light into the building. The internal

layout provides six bedrooms; the two bedrooms facing on to the street have good sized windows. The other four bedrooms are lit by skylights. These rooms are furnished with single beds and wardrobes. The rooms are not sufficiently large or furnished to be multi-functional.

6. The communal living and kitchen area is spacious with three large windows providing a pleasant cooking, sitting and social space. The availability of a well-lit and spacious living area places less reliance on the individual bedrooms for residential amenity. So that whilst I appreciate that the individual bedrooms do not have an outlook, and that daylight is limited by the size of the rooflights, I am satisfied that the layout of the accommodation, as a whole, would provide acceptable living conditions for the future occupiers of the HMO.
7. Each of the roof lights are domed and are openable. I note the Council's reference to Building Regulations and the need to use artificial light. I visited the property in the mid-morning and all the rooms were sufficiently lit for them to be occupied without using artificial light. The orientation of the building is such that I do not anticipate light levels to be significantly changed in the afternoon. Further, for the reasons given above, the living and kitchen area provides an alternative space for the use of occupiers of the HMO. As such I am satisfied that the accommodation would not lead to unsustainable use of artificial light.
8. Consequently, I conclude that the development would provide acceptable living conditions for the future occupiers of the HMO and would comply with the requirements of Policies P1 and P10 of the Nottingham City Aligned Core Strategies Part 1 Local Plan Adopted September 2014 which seek to ensure that development is designed to withstand the long and short term impacts of climate change, and designed to create attractive, safe, inclusive and healthy environments.

Conditions

9. The council has not provided a list of suggested conditions. As the application is retrospective, the standard condition requiring commencement within 3 years is not needed. However, I have imposed a condition specifying the relevant plans to provide certainty.

Conclusion

10. For the reasons given above, the proposal would accord with the development plan, when read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with the development plan.
11. Having considered all the matters raised, I conclude that the appeal should be allowed.

Diane Cragg

INSPECTOR