



Appeal Decision

Site visit made on 26 November 2019

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/Q3060/W/19/3236540

52 Lees Hill Street, Nottingham NG2 4JT

- 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 Harry Warren (Harren Investments Ltd) against the decision of Nottingham City Council.
 - The application Ref 19/01088/PFUL3 (PP-07853333), dated 13 May 2019, was refused by notice dated 9 July 2019.
 - The development proposed is change of use from C4 HMO to 2 No. residential flats.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C4 HMO to 2 No. residential flats at 52 Lees Hill Street, Nottingham NG2 4JT in accordance with the terms of the application, Ref 19/01088/PFUL3 (PP-07853333), dated 13 May 2019, 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 plan: 389 002 revision C.
 - 3) Flat 2 as shown on the approved plan shall not be first occupied until the new solid block wall with acoustic cavity insulation as indicated on the approved plan has been fully constructed. The acoustic cavity wall shall remain in place whilst flat 2 is occupied.

Procedural Matter

2. Although not included in the description, the proposal includes the construction of a rear dormer window as well as new and replacement windows. I have assessed the appeal on that basis.

Main Issues

3. The main issues are (i) the effect on the balance of the community with regard to housing mix, and (ii) the effect on the living conditions of occupiers of nearby residences and on the area by reason of noise and disturbance.

Reasons

Community balance

4. The appeal property (No 52) is a 3 storey high, end of terrace house, similar to most properties on the road. A playground adjoins the site.

5. Policy 8 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan 2014 (ACS) looks to ensure that development maintains, provides and contributes to a mix of housing types and sizes to create sustainable, inclusive and mixed communities. Within Nottingham City, there should be an emphasis on providing family housing. Policy ST1 of the Nottingham Local Plan 2005 (LP) is similar, although refers specifically to the promotion of housing for families with children.
6. On my site visit, the appeal property was vacant, but the appellant's evidence demonstrates it has most recently been used as a small house of multiple occupation (HMO). The appellant states that the area predominantly provides student accommodation, however, I saw limited evidence that other properties in the street were being used as HMO's or had been sub-divided. From my observations, it appears that a significant proportion of the properties on the road are occupied by single households, including families with children. Consequently, the proposed change of use would not result in a noticeable imbalance in the area of non-family dwellings. Instead, the proposed flats would add to the mix of accommodation in the street.
7. Furthermore, whilst of a size to be able to accommodate a family with children, most recently No 52 has not been used for that purpose. Moreover, the rear yard is small, highly constrained in terms of usability and is not suitable for play. Whilst the adjacent playground would be a useful facility, it would not provide private garden space that families with children are likely to require or desire. As such, the appeal property would not be ideal for a single household with children and given its recent history it is more likely that the property would be retained as a HMO if permission was refused. Consequently, I am not persuaded that allowing the appeal would result in the loss of a family dwelling.
8. There is no evidence before me that demonstrates that any local schools would be at risk of closure should planning permission be allowed. Also, the occupiers of the proposed flats would be able to support local facilities and contribute towards the inclusivity of the local community.
9. For the reasons outlined above, I conclude that the development would not be harmful to the balance of the community with regard to housing mix. Consequently, and in this regard, it would accord with policy 8 of the ACS and policy ST1 of the LP which, amongst other things, aim to ensure residential development help create sustainable, inclusive and mixed communities.

Noise and disturbance

10. The appeal property lies in a quiet street with little passing traffic. It contains no off-street parking area and so the occupiers of the proposed development would need to park on the road.
11. The Council's concern is that additional roadside parking as a result of the proposal would lead to noise and disturbance to the detriment of the living conditions of nearby residences. However, given that the appeal development as a whole would have 4 bedrooms similar to the most recent HMO use, it is likely the proposal would only result in a small increase in on-road parking.
12. Furthermore, for resident permit holders, parking is allowed along most of Lees Hill Street including outside No 52 and in front of the adjacent playground. As such, the occupiers of the proposed development would potentially be able to

park close to No 52, thereby limiting disturbance to occupiers of other properties. Moreover, as on-street parking is common in the area, the proposal is unlikely to lead to any noticeable additional noise and disturbance over and above the existing situation.

13. The proposal would increase the number of residential units and therefore may lead to more people coming and going from the site. However, such movements are common in a residential street and it is unlikely the proposal would cause harm by reason of noise and disturbance as a result. As such, the introduction of flats would not be incompatible with the area or make it less attractive for single households.
14. I note the concern that the proposal would add to a cumulative impact. However, I have been provided with no evidence to show that other properties in the area have been or may be converted to non-single households, or that such changes of use would have a cumulative detrimental impact in terms of noise and disturbance.
15. For the reasons outlined above, I conclude that the development would not cause a harmful effect on the living conditions of occupiers of nearby residences and the area in general by reason of noise and disturbance. In this regard, it would accord with policy 10 of the ACS and policy NE9 of the LP, which aim, amongst other things, to avoid development that is harmful to users of adjoining properties by reason of noise.

Other Matters

16. The proposed dormer would be visible from nearby streets, although due to intervening buildings it would not be obvious from, nor affect the setting of, Old Sneinton Conservation Area. The dormer would be of an appropriate size, set below the ridge and off the edges of the roof. Also, its form would be in keeping with the flat roof of the existing rear extension and its windows are similar in size to those in the rear elevation. As such, it would be sympathetic to the host property and to the area in general.

Conditions

17. I have received no suggested conditions from the Council. However, a condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt. Also, a condition is imposed requiring the provision of the proposed internal wall with acoustic cavity insulation prior to the first occupation of flat 2. This is necessary to avoid harmful noise affecting the living conditions of the occupiers of the neighbouring property.

Conclusion

18. For these reasons, I allow the appeal as set out in the formal decision above.

Jonathan Edwards

INSPECTOR