
Appeal Decision

Site visit made on 29 January 2020

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2020

Appeal Ref: APP/Q3060/W/19/3240325
14 Synge Close, Nottingham NG11 8QL

- 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 Clive Stedman against the decision of City of Nottingham Council.
 - The application Ref 19/00683/PFUL3, dated 28 March 2019, was refused by notice dated 23 July 2019.
 - The development proposed is the change of use from C3 (dwellinghouse) to C4 (HMO).
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Decision

1. The appeal is dismissed.

Main Issues

2. There are two main issues. These are a) the effect of the proposed development on the living conditions of existing neighbouring occupiers; and b) whether or not the appeal scheme would prejudice the creation of mixed and balanced communities.

Reasons

Living Conditions

3. The appeal site is a two storey end terraced dwelling which also has a frontage to Nobel Road to the north. An enclosed garden to the opposite elevation takes another pedestrian only access from Synge Close. No 14 is in a terrace of four, with a two further terraces of three in close proximity to the south and west. The area is residential in character, high density, with dwellings clustered in blocks served by both pedestrian accesses and estate road frontages. Parking tends to be on the street in designated areas, roadsides and layby style verge cut outs.
4. The appeal scheme would utilise one of the downstairs rooms to provide what appears on the proposed plans to be a five bedroom House in Multiple Occupation (HMO). Independent occupiers such as those in HMOs generally means that they are not living together as a family unit and consequently comings and goings from the building can not only be increased but also fragmented and disjointed. In addition, activity and general busyness within and without the building can occur such as in accepting deliveries, socialising and more intensive use of shared indoor and outdoor spaces, particularly during the summer months. The increased level of activity in these respects

can therefore give rise to disturbance to neighbours through noise. It strikes me that the overall effects in this respect would be exacerbated by how close the appeal building is to not only its own terrace but the gardens to other dwellings to the south and west.

5. In terms of parking demand, it appears to be the case that the property would be let to students. Be this as it may, student accommodation is not explicitly sought nor are there any controls proposed therefore. I am therefore mindful that it may not be students that occupy the HMO, intentions of the appellant aside. This could, theoretically, mean the five occupants could have access to their own car. It would however be important to place such a potential 'worst case scenario' in a context.
6. In the case of the appeal site this seems to have good access to public transport and located sufficiently close to services on which occupiers could rely for day to day living such that they could be accessed via means other than the car. Parking is unrestricted in the area and there are areas off road to park vehicles. No hard and fast data concerning parking stress on surrounding roads has been provided with appeal documentation and, during the day at the time of my site visit at least, there appeared to be a reasonable amount of capacity on the roadside, in parking courts and laybys. Taking all of this together, I do not feel the effects of the proposal would necessarily extend to greatly increased parking demand or pressure.
7. I note the Council also have concerns over the upkeep of the property should it be occupied in the manner proposed by the appeal scheme albeit this seems more concerned with the management of the premises than necessarily a direct impact of a building being in fragmented occupation. There is also concern expressed, in regard to this main issue, about waste disposal but additional facilities can be provided at the appeal site going forward to cope with any existing demand which given the number of bedrooms proposed would not be significant in any event.
8. Whilst the above may be the case, I am not persuaded that the appeal scheme would not give rise to harm to the living conditions of neighbouring occupiers in terms of disturbance from an increase in noise and general activity at the appeal building. An effect that, as I have said, would be exacerbated by how close the dwellings are in the immediate area. There would therefore be conflict with Policy 10 of the ACS¹ and saved Policy H2 of the Local Plan² which seek, amongst other things, to ensure that new development will be assessed in terms of its treatment of the impact on the amenity of nearby residents or occupiers and that living conditions generally are safeguarded.
9. In their reasons for the refusal of planning permission the Council also refer to saved Policies NE9 and T3 of the Local Plan but since I have not found harm in respect of waste disposal or parking (which in any case sets out a maximum and not a minimum figure) there would be no conflict with these policies.

¹ Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies Part 1 Local Plan 2014

² Nottingham Local Plan 2005

Mixed and Balanced Communities

10. The crux of the Council's concerns in respect of this main issue stem from how the appeal scheme has the potential, in conjunction with other similar schemes coming forwards, to result in an imbalance in tenure terms for the community. I understand that, from a social cohesion and efficient operating point of view, there is a need to ensure that a given area does not have an over concentration of one particular tenure type, particularly those of conventional dwellings vs those occupied on a short term, multi let basis. Indeed, saved Policies ST1 of the Local Plan and Policy 8 of the ACS seek to ensure a balance is maintained and recognise the role different housing tenure types can play within it.
11. The Council's evidence however admits that the appeal building is in an area of low concentration when comparing HMOs to conventional family occupied dwellings. If there is to be an imbalance therefore, it is yet to occur and given the scale of the proposed development, unlikely to should the appeal be allowed. I note the Council's comment regarding the number of proposals in the proverbial pipeline but these are yet to be determined and the outcome of them is in the control of the Council regardless of the outcome of this appeal. There is little doubt that a family dwelling would be lost should the appeal succeed but again, with the above factors in mind, it doesn't strike me that such a loss would be overly harmful in the circumstances. In concluding on this main issue therefore, I do not find that the appeal scheme would prejudice the provision of mixed and balanced communities. Nor would I as a consequence find conflict with the policies cited.

Other Matters

12. I note from the appellant's evidence that the appeal building has been subject to anti social occupancy in the past and I have no doubt that the use of the dwelling as an HMO would bring it back into a managed use to the benefit of its neighbours in this regard. That said, it seems to me that such benefits would also arise from the occupation of the dwelling on a C3 basis. Consequently, given the harm that I have found, I am not minded to allow the appeal in this light.
13. Evidence from the appellant also alludes to there being a shortage of accommodation for students wishing to take up local courses. I am mindful that this evidence seems however to be anecdotal and claims are not backed up by any research or confirmative data. It is also perhaps important to bear in mind that if new accommodation is needed, it should be provided where it would not give rise to any adverse impacts in planning terms. As would be the case here.

Conclusion

14. Whilst I have not found harm in respect of mixed and balanced communities, this would not be sufficient to reduce or outweigh that which I have found in regard to the living conditions of neighbours. It is for this reason that the appeal is dismissed.

John Morrison

INSPECTOR