
Appeal Decision

Site visit made on 18 February 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 April 2020

Appeal Ref: APP/J3015/W/19/3242730
24 Lower Road, Beeston NG9 2GL

- 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 A Andricopoulos against the decision of Broxtowe Borough Council.
 - The application Ref 19/00294/FUL, dated 6 May 2019, was refused by notice dated 9 September 2019.
 - The development proposed is change of use from HMO within Use Class C4 to a 7 bed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from HMO within Use Class C4 to a 7 bed HMO at 24 Lower Road, Beeston NG9 2GL, in accordance with application Ref. 19/00294/FUL, dated 6 May 2019, subject to the following conditions:
 - (1) The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.
 - (2) The development hereby permitted shall be carried out in accordance with drawing number 332.01 A received by the Local Planning Authority on 5 July 2019.

Procedural Matter

2. The Council's decision included a reference to policies in the Broxtowe Local Plan (2004). The Council has since adopted the Broxtowe Borough Council Part 2 Local Plan in October 2019 (P2LP). Following its adoption, the Policies of the Broxtowe Local Plan (2004) have been superseded. I must therefore assess the proposal against the development plan now in place which consists of the P2LP and the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (P1LP).

Main Issues

3. The main issues are:
 - the effect of the proposal on the living conditions of neighbouring residents with particular regard to noise and disturbance; and
 - whether the proposal would provide acceptable living conditions for its occupants with particular regard to adequacy of space.

Reasons

4. No 24 Lower Road is situated in a predominantly residential area characterised by two-storey detached and semi-detached dwellings. A tram route operates along Lower Road. There is a prominent student population given the close proximity of Lower Road to the University of Nottingham. I noted on my site visit that whilst some properties in the area were in use as single dwellinghouses, several others were in use as Houses in Multiple Occupation (HMO). The appeal building is already in use as a 6-bedroom HMO.
5. The change of use would facilitate the provision of one additional bedroom over the existing number. The additional bedroom would replace a 'snug'. The room in question sits within a single storey rear extension close to the boundary with No 22 Lower Road. However, the room in question does not share a wall with this neighbour. Even if neighbouring properties were in use as dwellings under a C3 use class either now or in the future, the additional activity and comings and goings associated with one additional bedroom would be unlikely to be highly discernible above the existing situation. This is particularly the case given the position of the room within the building.
6. The Council contends that the operation of the tram route does not lead to a high level of noise outside daytime hours. Even so, this has not been decisive in me finding that any effects on levels of noise and disturbance in the area would be unlikely to be perceptible above the existing situation having regard to the specific characteristics of the proposal in this instance.
7. The property includes 4 shower rooms and provides an open plan kitchen/living/dining space and a rear garden. Having viewed these communal areas during my site visit, I am content that there would be sufficient space to accommodate the occupant of one additional bedroom without severely compromising the quality of living conditions for occupants of the HMO. I also note the Council's Housing Officer was satisfied that the property has facilities and amenities that would support the seventh bedroom. Overall, the proposal would not be over intensive for the level of facilities already in place.
8. To conclude, the proposal would provide acceptable living conditions for its occupants and would not be harmful to the living conditions of neighbouring occupants having regard to the existing relationship between properties. Consequently, in that regard, the proposal complies with Policy 10 (Design and Enhancing Local Identity) of the P1LP and Policy 17 (Place-making, Design and Amenity) of the P2LP.

Conclusion

9. For the reasons set out, the appeal is allowed.

M Russell

INSPECTOR