



Appeal Decision

Site visit made on 20 January 2020 by Darren Ellis MPlan

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th May 2020

Appeal Ref: APP/Q3060/W/19/3238386

154 Rivergreen, Nottingham, NG11 8AW

- 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 John Quigley against the decision of Nottingham City Council.
 - The application Ref 19/00930/PFUL3, dated 25 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is the change of use from C3 dwellinghouse to C4 House in Multiple Occupation for up to 6 tenants.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Nottingham City Land and Planning Policies Development Plan Document (LAPP) was adopted in January 2020, after the original application was determined by the Council. The LAPP forms Part 2 of the Local Plan, with Part 1 being the Nottingham City Aligned Core Strategy (ACS) against which the original application was assessed. The LAPP now forms part of the development plan, and as such this appeal will be determined in accordance with both the ACS and the LAPP. The Nottingham Local Plan (2005), including policies ST1, H2, H6, NE9 and T3 against which the original application was assessed, have been superseded by the LAPP. Both the Council and the appellant have had the opportunity to provide their comments on the relevant policies of the LAPP.

Main Issues

4. The main issues relating to this appeal are the effect of the development on:
 - the availability of family accommodation;
 - the living conditions of the neighbouring properties; and
 - the character of the area.
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Reasons for the Recommendation

5. The appeal site is at the end of a terrace of two-storey dwellings located on Rivergreen at the junction with Leafield Green. The site is situated within a residential area, and there is a care home opposite the appeal site.
6. The proposed change of use would allow for a small HMO for up to 6 residents. This type of change of use is normally permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for planning permission. However, the Council has introduced an Article 4 Direction to remove this permitted development right.

Family Accommodation

7. Policy HO2 of the LAPP states that there will be a presumption against the loss of dwellinghouses (Use Class C3) for family occupation, including through the conversion to Use Class C4. The policy lists exceptions to this presumption, including where local evidence of housing need and demand indicates that an alternative mix of housing is appropriate, where alternative provision meets other housing priorities or where an applicant can demonstrate that the property is no longer suitable for family occupation.
8. Although the appellant suggests HMO accommodation is in high demand no substantive evidence has been submitted to demonstrate this, nor that HMOs are a priority that justify a reduction in family housing provision. Moreover, the appeal property is a three-bedroom dwelling, has off-street parking and garden areas to the front and rear, and is situated within a residential area. Consequently, although it may be tired, the property is ideally suited to family housing. Overall, the proposal would fail to meet any of the exceptions.
9. I accept, the appeal site is a short distance from the Clifton Campus of Nottingham Trent University, and as such would be convenient for students. However, there is a bus route along Rivergreen with bus stops a short walk from the appeal property, and there is a tram stop a short distance away on Southchurch Drive at the junction with Rivergreen. The appeal site therefore has good public transport links to the City centre which would support either family or shared accommodation. This therefore does not weigh heavily in favour of the proposal.
10. Policy HO6 of the LAPP states that planning permission for changes of use to create an HMO will only be granted where there is no conflict with Policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. As I find there to be a direct conflict with Policy HO2, the proposal cannot meet this policy. As such, although I acknowledge that the percentage of HMOs in the area is well below the 10% threshold referred to in the supporting text of Policy HO6 and so the proposed change of use would not result in a significant concentration of HMOs in the area, the development would nonetheless conflict with Policy HO6.
11. I therefore conclude that the development would have a harmful effect on availability of family housing in the locality. As such, it would conflict with Policies HO2 and HO6 of the LAPP as set out above. It would also fail to accord with LAPP Policy HO1 which explains that as Nottingham City Council has a proportion of homes suitable for families that is below the national average, if a site is capable and suitable for accommodating family houses and its location is

appropriate, then the development should deliver family houses as opposed to other forms of residential accommodation. It would also contract with Policy 8 of the ACS which places an emphasis on providing family housing within the City.

Living Conditions of Neighbouring Properties and the Character of the Area

12. The submitted floorplans show the layout of the property would have six bedrooms, one reception room, a kitchen, a utility room, two bathrooms and a separate toilet. Whilst the intensity of the proposed use may differ from the existing three-bedroom family house, I do not consider that the change to a small HMO use is likely to materially affect the living conditions of the neighbours since the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it.
13. Student tenants are likely to move in and out of the property more frequently than other occupiers. However, any noise and disruption from the tenants moving in and out, and periods of vacancy, would be short-term and temporary and would therefore have no significant impact on the character of the area. I also consider there is no evidence to suggest the occupation of the property by students would necessarily lead to a greater likelihood of antisocial behaviour.
14. The submitted drawings show that the off-street parking area could accommodate five cars. However, with the existing access to the parking area, this arrangement would see two or three cars blocked in and requiring the manoeuvring of other cars to be able to exit the parking area. I therefore consider it unlikely that the parking area would be regularly used by five cars at the same time. Indeed, the proximity to the nearest bus stops and tram stop may reduce the need for the use of cars. However, in the event that cars would be parked on the street, there are parking restrictions on the roads where only permit holders may park during selected daytime hours. In any case, I did not see an excess of on-street parking during my site visit, and the appellant has submitted photographs which indicate there are no significant on-street parking issues at various times of the day. Furthermore, the Council has not provided any evidence that on street parking issues exist. For these reasons the proposal would not cause any issues regarding on street parking.
15. I therefore conclude that a C4 HMO use would not have a harmful effect on the living conditions of neighbours or on the character of the area, and consequently find that the proposal accords with Policy DE1 of the LAPP and Policy 10 of the ACS, which both seek, amongst other things, to protect residential amenity and the character of the area.

Other Matters

16. I have been referred to previous planning permissions and appeal decisions for other nearby conversions to HMOs, however these decisions were all made before the LAPP was adopted and therefore were not subject to the same policy context that this appeal has been assessed against and so are not directly comparable.

Conclusion

17. The proposal would result in the loss of a property that is suited for family housing. While the proposal would not result in an overconcentration of HMOs in the immediate area, and would not cause harm to the living conditions of the

neighbours or to the character of the area, these do not outweigh the harm that would be caused to the availability of family housing.

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR