



Appeal Decision

Site visit made on 23 June 2020

by A Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J3015/W/20/3247066
56 Salisbury Street, Beeston NG9 2EQ

- 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 19/00295/FUL, dated 6 May 2019, was refused by notice dated 18 November 2019.
 - The development proposed is change of use within use Class 4 to a 7 bed HMO.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The living condition of existing occupiers with particular regard to noise and disturbance; and,
 - The availability of on-street parking.

Reasons

Living conditions

3. Salisbury Street is a quiet residential road lined with modest semi-detached dwellings which form near continuous lines on both sides. Number 56 Salisbury Street (No 56) has had rear and loft extensions as permitted development, and is currently occupied as a 6 person House in Multiple Occupation (HMO).
4. The appellant notes that 52 and 54 Salisbury Street are also HMOs, but that most of the remaining dwellings in the road are occupied by families. However, a committee report indicates that the Council identified ten HMOs or licensed HMOs on Salisbury Street. Salisbury Street was one of eight roads where occupancy was measured.
5. Not only does this indicate that there are more than three HMOs on Salisbury Road, but that the emerging cluster is the subject of the Council's concern. The appellant has also drawn to my attention that limits on HMOs within Nottingham City Council's area have increased pressure on the residential areas of Beeston.

6. Moreover, the Council's consultants consider that concentrations of HMOs contribute to the erosion of balanced housing tenure in particular residential areas. I see no reason to disagree with the consultants' conclusions in respect of the adverse effect of HMO clusters on a balanced residential housing mix. This concern has led to the Council's intention to support an Article 4 Direction next year to limit multi-occupancy.
7. In my experience student occupancy is likely to be associated with transience, a lack of commitment to the property or the community, a disproportionate number of independent adults living in the same dwelling, and an uplift in comings and goings compared to dwellings with families.
8. The appellant argues that the housing officer has not found harm in relation to the size of the development and this has not been raised as a reason for refusal. However, in my experience these dwellings were designed for families. The rear extension has considerably reduced the already modest rear garden space and given the limited area of internal communal space it seems that outdoor space could be used as overspill. Moreover, the underlying building density is relatively high and there is limited lateral separation between pairs of dwellings.
9. It is argued that the incremental increase of one more student at No 56 would not have a significant adverse impact on this residential neighbourhood. However, whilst I accept that that may be the case in absolute terms, there comes a point when the cumulative impact of a particular type of development reaches capacity. Moreover, that argument could be used repeatedly. Even with the extensions now built, this is not a particularly large dwelling and it sits within a tight development pattern where neighbours will be very aware of comings and goings, and other noise or disturbance. I consider that threshold has now been reached in this specific instance.
10. The frontage of No 56 was not particularly tidy at my visit. The front garden was overgrown and unkempt and there were brambles growing across the path to the front door from the gate. Although this is not particularly determinative and is easily remedied, it lends weight to the concerns of interested parties regarding untidiness and litter, and is at odds with the appellant's statement that the site is clean and tidy.
11. As such I conclude that an additional adult in this dwelling would be detrimental to the living conditions of existing occupiers in nearby dwellings. This would be contrary to Policy 10 of the Aligned Core Strategy which requires development to reinforce valued local characteristics and is concerned with the amenity of nearby residents amongst other considerations. It would also be contrary to Policy 17 of the Local Plan (LP) insofar as this is concerned with the amenity of nearby residents or occupiers

On-street parking

12. There was plenty of on-street parking space at my visit. There is no evidence before me to show parking conditions at other times and it is difficult to judge how on-street parking availability would be affected if the university was not effectively closed for the COVID-19 outbreak. In any case, even in more normal times parking fluctuates and observations at the site visit are not necessarily an indicator of overall parking stress.

13. Nonetheless, I noticed that although some dwellings had off-street parking, frontage depth is limited and many dwellings have retained their boundary treatments. This suggests that there is likely to be a reliance on on-street parking. Moreover, the tight development pattern further restricts that availability.
14. Although there is hardstanding in front of No 56, it is bounded by a low wall and double gate. Nonetheless, there is one off-street parking space.
15. However, although I accept that students at Nottingham University do not need a car, there seems to be nothing to prevent students from owning cars, even if the appellant considers this to be unlikely. Furthermore, the situation could change with different intakes of students. Consequently, and given the cluster of HMOs on the street, I conclude that there could be additional pressure for on-street parking. Whilst this would not necessarily in itself be sufficient to warrant dismissal of the appeal, it reinforces my reasoning set out above.
16. I appreciate that the officer did not find harm in relation to on-street parking. Nonetheless, this is given as a reason for refusal.
17. Although Paragraph 109 of the National Planning Policy Framework (the Framework) states that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative effects on the road network would be severe, Paragraph 110 also requires development to avoid unnecessary street clutter.
18. I conclude that the development would have a minor detrimental effect on the availability of on-street parking. This would be contrary to LP Policy 17 which requires development to provide sufficient and well-integrated parking amongst other things.

Other matters

19. The appellant has drawn a recent appeal decision to my attention¹. However, Lower Road is on the tram route and close to a major intersection. Salisbury Street is not on a through route and even at my visit, there was significantly more tram and vehicle movement on Lower Road, than on Salisbury Street. I would therefore expect the underlying noise levels on Lower Road to be considerably greater than at Salisbury Street. Consequently, the character of the street scene, and expectations of nearby residents and their tolerance of noise and disturbance would be likely to be different.
20. Moreover, although the dwelling appears to be of similar size and with similar lateral separation to the appeal before me, the frontage of Lower Road is separated from dwellings fronting Albert Road by a significantly greater margin than is the case here. I conclude that the situations are not directly comparable.

Conclusion

21. The appeal should be dismissed.

A Blacq INSPECTOR

¹ APP/J3015/W/19/3242730