



Appeal Decision

Site visit made on 13 July 2020 by Darren Ellis MPlan

Decision by Kenneth Stone BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2020

Appeal Ref: APP/Q3060/W/20/3248501

17 Russell Road, Nottingham, Nottinghamshire, NG7 6HD

- 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 Ms Yasmin Alam against the decision of Nottingham City Council.
 - The application Ref 19/01508/PFUL3, dated 14 July 2019, was refused by notice dated 12 September 2019.
 - The development is the change of use from Class C3 to Use Class C4.
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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 Matters

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Plan (2005), including policies ST1, H2, H6, NE9 and T3 against which the original application was assessed, have been superseded by the LAPP.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 referred to the LAPP in their submissions and are not therefore prejudiced by my consideration of it.
4. The property is already in use as a house in multiple occupation (HMO) and is licensed for 4 occupants. I have dealt with the appeal on that basis.

Main Issues

5. 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

6. The appeal site is a detached two-storey dwelling located on Russell Road close to the junction with Gregory Boulevard, and is situated within a residential area. The proposal is for a change of use of the property from a C3 dwellinghouse to a C4 HMO.
7. The change of use would grant permission 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

8. Policy HO2 of the LAPP states that there will be a presumption against the loss of dwellinghouses (Use Class C3) for family occupation 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.
9. The appeal property is a three-bedroom dwelling that is being used as a four-bedroom HMO, with one of the reception rooms being used as a bedroom. The property has off-street parking to the front and a garden area to the rear, and is situated within a residential area. Consequently the property is ideally suited to family housing.
10. The appeal site is a short distance from Nottingham Trent University, and as such there may be demand for shared accommodation. Shops and bus stops on Gregory Boulevard and the Forest tram stop are short walks from the appeal property. The appeal site therefore has good public transport links which would support either family or shared accommodation.
11. While the appeal property may be suitable in principle for an HMO, and the proportion of HMOs in the area may be lower than some other areas in the city, no substantive evidence has been submitted to demonstrate that an HMO at this site is a priority that warrants a reduction in family housing provision.
12. Policy H01 of the LAPP states outside the city centre where sites are capable and suitable for accommodating family housing the City Council will encourage development for family housing. The supporting text for the Policy explains that Nottingham City Council has a proportion of homes suitable for families that is below the national average. It goes on to say that, in order to increase the stock of family housing, 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. This reflects Policy 8 of the ACS. The loss of this suitable family housing would undermine these objectives.
13. The appellant refers to a 25% threshold of HMOs in a particular area of the city. This threshold comes from the Building Balanced Communities Supplementary Planning Document (Reissued March 2007) (SPD), with the SPD supplementing policies of the Nottingham Local Plan 2005. Along with the 2005

Local Plan, I understand that the SPD has also been superseded by the LAPP and therefore the 25% threshold no longer applies.

14. I therefore conclude that the development would have a harmful effect on the availability of family housing in the locality which would conflict with and compromise the City Council's aspirations to build and maintain an appropriate mixed and balanced community. As such, it conflicts with the intentions of Policies HO1 and HO2 of the LAPP and Policy 8 of the ACS in this regard.

Living Conditions of Neighbouring Properties

15. The appeal property has been used as an HMO for some time. I note that this use has not led to any complaints from the environmental health department or from the neighbouring properties, and as such it has not been demonstrated that the use of the property as an HMO has caused any problems in this regard. Furthermore, the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it.
16. 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 vacant possession of the property, would be short-term and temporary. I also have no substantive evidence before me to suggest the occupation of the property by students would necessarily lead to a greater likelihood of antisocial behaviour.
17. I therefore conclude that a small HMO use would not cause harm to the living conditions of the neighbours, and consequently find that the proposal accords with Policy 10 of the ACS, which seeks, amongst other things, to protect the living conditions of nearby residents or occupiers.

Character of the Area

18. The submitted floorplans show the layout of the property would have four bedrooms, one study/communal room, a kitchen and dining area, and a bathroom. No external alterations to the building itself are proposed to facilitate the change of use to an HMO and therefore the house would retain its current appearance in the street scene.
19. Short term lets, periods when the property is vacant and the potential for a shared property to not be properly maintained can all lead to an area changing its character over time, particularly if there is a concentration of such properties in an area. However, HMOs are not prevalent in the area surrounding the appeal site and there is no evidence of harm in this regard.
20. I therefore conclude that a C4 HMO use would not have a harmful effect on the character of the area, and consequently find that the proposal accords with Policy 10 of the ACS, which seeks, amongst other things, to protect the character of the area and ensure that proposals make a positive contribution to the sense of place.

Overall Conclusion

21. The proposal would result in the loss of a property that is well suited for family housing. While the proposal would not cause harm to the living conditions of the neighbours or to the character of the area, this would not outweigh the harm that would be caused to the housing mix in the city by the loss of family

housing. The change of use would therefore conflict with the development plan with regard to the loss of family accommodation and there are no material considerations that indicate a decision otherwise would be appropriate.

22. 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

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

Kenneth Stone

INSPECTOR