The Planning Inspectorate

Appeal Decision

Site visit made on 30 September 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 November 2020

Appeal Ref: APP/Q3060/W/20/3255309
11A Lenton Avenue, Nottingham NG7 1DX

- 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 Annie Strickland against the decision of City of Nottingham Council.
- The application Ref 19/02891/PFUL3, dated 28 December 2019, was refused by notice dated 13 April 2020.
- The development proposed is conversion of garage into a bedroom with en-suite and tea point.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit I observed that works to facilitate the conversion had been undertaken, although it did not appear that the use had commenced.

3. Although not referred to in the description of development, both parties agree that the proposal would result in the creation of a separate unit. I have determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on 1) the provision of dwellings suitable for family occupation, 2) the living conditions of existing occupants with regard to noise, disturbance and parking; and 3) the living conditions of future occupants with regard to the size of the unit.

Reasons

Provision of dwellings suitable for family occupation

5. The appeal site comprises a former garage and sits at the bottom of a three-storey residential building. It is located in a predominantly residential area where there is a variety of property styles and sizes.

6. Policy HO2 of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) (2020) sets out that in order to both address the shortage of homes throughout the City which are suitable and attractive to families, there will be a presumption against the loss of dwelling-houses (Use Class C3) for family occupation through either sub-division or conversion.

7. The appeal proposal would effectively remove the garage and driveway from the existing property. From the information before me, the remainder of the property would be unchanged. Although the removal of the garage and driveway may, for some potential occupants make the property less attractive, for example those who wish to park a vehicle off-street or to have a garage, I do not find that when considered as a whole, the remaining property would be unattractive or unsuitable for family accommodation as a result of the appeal proposal. I am not provided with any substantive evidence to demonstrate that this would be the case.

8. I therefore consider that the proposal would not have an unacceptable impact on the provision of dwellings suitable for family occupation. It would therefore comply with Policy HO2 of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) (2020) which seeks to protect dwelling houses suitable for family occupation.

Living conditions – existing occupants

9. The use of the site for residential purposes would be compatible with the prevailing land use of the area. Given the size of the unit, which would limit its occupation to one or two people, and the associated comings and goings, I do not consider that it would cause harm to the living conditions of surrounding occupants in relation to an increase in noise and disturbance.

10. Representations have referred to noise and disturbance from existing units in the building that have been used on a rental basis for short-term/holiday use. Although I have no reason to doubt these previous instances, they are nevertheless not directly attributable to the appeal proposal before me, for which I have found would not cause harm. I am not presented with any substantive evidence that the proposed use would generate unacceptable levels of noise and disturbance.

11. The proposed development would remove the opportunity to park in the garage and the loss of a parking space for the existing unit.

12. At the time of my mid-morning site visit, I observed that there was a moderate level of on-street parking however spaces were readily available. I appreciate that this may not be the case at all times, particularly at evenings when most people, and their vehicles, are at home. I do not however consider that the proposed development would make the existing situation significantly worse. I have not been presented with any substantive evidence that would support the argument that the additional on-street parking would have an unacceptable impact on living conditions.

13. Although the existing garage space would be lost, no evidence has been submitted to state that it must be made available or retained for parking in any event. Whilst I have taken account of the fact that the proposal would remove the possibility of the garage being used for parking, I find that, for the reasons outlined, the appeal should not be dismissed on this basis.

14. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of existing occupants with regard to noise, disturbance and parking. It would therefore comply with Policy DE1 of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) (2020)

which seeks to ensure, amongst other things, a satisfactory level of amenity for occupiers of neighbouring properties.

Living conditions – future occupants

15. The Council consider that due to the size of the unit, which would be considerably smaller than the recommended National Space Standards for a new unit, would fail to provide adequate living accommodation for future occupants.

16. The appellant has outlined that the separate unit that would be created would be used for short stay serviced accommodation on an assured shorthold tenancy agreement.

17. Given the stability and likely lack of transiency in such an arrangement, the living conditions of the future occupants are important material considerations. I consider that although the layout shows space for a bed, a kitchen sink and a shower room, it is significantly lacking in notable space for sitting, eating, watching television or providing space for storage of clothes and other items. The amount of space is poor and indicative of the confined and substandard nature of the accommodation. Consequently, the internal space of the unit is deficient, leading to a cramped and claustrophobic environment to the detriment of the living conditions of the future occupants.

18. The proposal would therefore provide unacceptable living conditions for future occupants with regard to the size of the unit. It would be contrary to Policy DE1 of the Nottingham City Land and Planning Policies Development Plan Document (Local Plan Part 2) (2020) which seeks to ensure, amongst other things, a satisfactory level of amenity for occupants of the development.

Conclusion

19. Although I have found that there would be no harm in relation to the provision of dwellings suitable for family occupation, or the living conditions of existing occupants, this does not overcome the harm I have found would be caused to the living conditions of occupants of the development.

20. Therefore, for the reasons given above, and having had regard to all other matters raised, I conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR