



Appeal Decision

Site visit made on 26 October 2020 by Darren Ellis MPlan

Decision by Sarah Housden BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/Q3060/D/20/3258163

17 Orston Drive, Wollaton, Nottingham, NG8 1AJ

- 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 Finian Wray against the decision of Nottingham City Council.
 - The application Ref 20/00156/PFUL3, dated 19 January 2020, was refused by notice dated 29 June 2020.
 - The development proposed was originally described as 'extension to the rear of 17 Orston Drive'.
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Decision

1. The appeal is allowed and planning permission is granted for a rear extension including dormer to the rear of 17 Orston Drive, Wollaton, Nottingham, NG8 1AJ in accordance with the terms of the application Ref 20/00156/PFUL3, dated 19 January 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan titled 'Local Land Charges Section' search reference 02003795; drawing titled 'Amended Plans' that shows the existing and proposed floorplans; and the drawing titled 'Amended Plans' that shows the existing and proposed elevations.

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. In the formal decision above I have used the description of the proposed development shown on the Council's decision notice and on the appeal form, as this includes reference to the dormer window and is a more accurate description of the proposal.
 4. An extension to the rear of the property is currently underway. However, this is of different dimensions from the proposed rear extension on the plans before me. For the avoidance of doubt, I have assessed the proposal based on the proposed plans and details submitted as part of the appeal.
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Main Issues

5. The main issues in this case are the effect on:

- the mix and choice of housing and the effect on the character of the area; and
- the character and appearance of the host property and whether the proposal preserves or enhances the character or appearance of the Middleton Boulevard Conservation Area.

Reasons for the Recommendation

6. The appeal site comprises a semi-detached bungalow in Orston Drive and is located within the Middleton Boulevard Conservation Area (CA). The property is currently in use as a small House in Multiple Occupation (HMO) (Class C4) with five bedrooms. The proposal seeks permission for a single-storey extension and dormer window to the rear of the appeal property.

Housing mix and choice and character of the area

7. Policy HO6 of the Land and Planning Policies Development Plan Document (January 2020) (LAPP) states that planning permission for an extension or an alteration to an HMO will only be granted where there is no conflict with Policies HO1 and HO2 of the LAPP and it would not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. This will be assessed against a number of criteria, including an assessment of the proportion of HMOs and/or student households in the area and any evidence of existing HMO use which impacts on local character and amenity. The supporting text to Policy HO6 states that where there is a 'significant concentration' of HMOs and/or student households, defined as 10%, planning permission will not normally be granted for further HMOs.
8. LAPP Policies HO1 and HO2 deal with the development of sites for family housing and the loss of dwelling houses for family occupation respectively. As the appeal property is already in use as a small HMO, Policies HO1 and HO2 are therefore not directly relevant to my assessment of the appeal.
9. The proposed extension would provide a new kitchen/living space and utility room, and although the property would also undergo an internal reorganisation no additional bedrooms would be created. As a result, the proposal would not result in the intensification of the use of the property as a small HMO.
10. I acknowledge the Council's concerns that the utility room could potentially be used as a sixth bedroom. The appellant argues that an increase in the occupation of the HMO from five to six persons would not constitute a material change in the use of the property as a small HMO. However, that is not part of the proposal before me which I have assessed based on the details of the scheme set out in the plans and the circumstances of the appeal site. Any future proposals would be a matter for the Council to determine in accordance with the policies in the development plan and would also be subject to a separate licencing regime.
11. The Council states that 45% of the dwellings in the area are non-family housing, which exceeds the 10% threshold set out in the supporting text of Policy HO6. As stated above, the proposal would not create a new HMO.

Furthermore, while the proposed extension may reinforce the continued use of the property as an HMO, that is its existing use and I have no evidence before me to demonstrate that the property would return to a C3 use as family housing should this proposal be refused.

12. It is argued by the Council that extensions that intensify the use of an HMO would exacerbate adverse amenity issues associated with student housing. The proposal would not result in an intensification of the HMO use and no evidence of any complaints from the environmental health department or from the neighbouring properties have been submitted in relation to the existing use. The property has a driveway and a landscaped front garden and retains the residential character of the area. Overall, there is nothing in the evidence before me to indicate that the use of the property as an HMO has caused any adverse amenity issues, or that the proposal would cause any such issues.
13. For these reasons, the proposal would not be detrimental to the current mix and choice of housing in the area and would not undermine local objectives for sustainable, inclusive and mixed communities, nor would it adversely affect the character and amenity of the area. As such, the proposal accords with Policy HO6 of the LAPP and Policy 8 of the Aligned Core Strategy (adopted September 2014) (ACS) which also requires residential development to create sustainable, inclusive and mixed communities.

Character and Appearance and the Conservation Area

14. The appeal site is close to the eastern edge of the CA. This part of the CA is characterised by 1920s bungalows of a uniform design and character with tiled hipped roofs, built with an unusual construction method using a metal framework infilled with precast concrete slabs and known as 'Crane Houses'. The historical interest, construction method and uniform character and appearance of the properties, together with the spacious and cohesive estate layout that reflects the principles of the Garden City movement, contribute to the significance of the CA. Some of the properties in the street have subsequently been altered with front dormers and side extensions. Nonetheless, the original character and appearance is largely intact and the appeal property contributes positively to the street scene and to the historic character of this part of the CA.
15. The form of the extension would be simple and understated, and its mass would be broken up by the set back of the utility room. It would appear as a subordinate addition to the host property and the high-pitched roof form, an original design feature of the dwelling which contributes to the significance of the CA, would remain intact. The front elevation facing the public highway which contributes to the character and appearance of the street scene would be unchanged.
16. For these reasons, I conclude that the proposal would not detract from the character and appearance of the appeal property, and would preserve the character and appearance of the CA. As such, the proposal would accord with Policy 10 of the ACS and Policy DE1 of the LAPP, which require that development, including its massing, scale and proportions, respects the streetscape and local character. The proposal would also accord with Policy 11 of the ACS and Policy HE1 of the LAPP, which require development proposals which affect heritage assets, including Conservation Areas, to conserve the historic environment.

Conditions

17. In addition to the standard time limit, a condition specifying the approved plans is necessary to provide certainty and in the interests of proper planning.
18. The Council's officer report suggests a condition is necessary to require the window to the rear dormer to be obscure glazed, to protect the privacy of neighbouring residents. However, the property already has three rooflights in the rear roofslope that serve two bedrooms and the proposed rear dormer would serve a bathroom which would be likely to be obscure glazed in any case. Therefore, the proposal would not result in significant additional overlooking of the neighbouring properties and the condition for obscure glazing is not necessary to make the scheme acceptable.
19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the condition listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed and planning permission is granted subject to the condition above.

Sarah Housden

INSPECTOR