



Appeal Decision

Site visit made on 26 October 2020 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2020

Appeal Ref: APP/Q3060/D/20/3257480

259 Derby Road, Nottingham, NG7 2DP

- 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 Mrs Margaret Mole against the decision of Nottingham City Council.
 - The application Ref 20/00929/PFUL3, dated 7 May 2020, was refused by notice dated 15 July 2020.
 - The development proposed is a rear ground floor extension to the existing kitchen/dining area and rear second floor extension to add a bathroom and WC.
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Decision

1. The appeal is allowed and planning permission is granted for a rear ground floor extension to the existing kitchen/dining area and rear second floor extension to add a bathroom and WC at 259 Derby Road, Nottingham, NG7 2DP in accordance with the terms of the application 20/00929/PFUL3, dated 7 May 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: OS Location drawing no. 2272/01; Block Plans drawing no. 2272/08; Proposed Elevations drawing no. 2272/07; and Proposed Floor Plans drawing no. 2272/09.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

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.

Main Issues

3. The main issues relating to this appeal are:
 - the mix and choice of housing and the effect on the character of the area; and
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- the character and appearance of the host property and whether the proposal preserves or enhances the character or appearance of the New Lenton Conservation Area.

Reasons for the Recommendation

4. The appeal site comprises a semi-detached three-storey dwelling on Derby Road and is located within the New Lenton Conservation Area. The property is currently in use as a House in Multiple Occupation (HMO) for seven residents (Sui Generis use class). The proposal seeks permission for rear extensions at the ground and second floor levels.

Housing mix and choice and character of the area

5. Policy HO6 of the Land and Planning Policies Development Plan Document (January 2020) (LAPP) states that planning permission for extensions to an HMO will only be granted where there is no conflict with Policies HO1 and HO2 of the LAPP and does 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 any evidence of existing HMO use which impacts on local character and amenity.
6. 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 an HMO, Policies HO1 and HO2 are therefore not directly relevant to my assessment of the appeal.
7. The proposed ground floor extension would provide an enlarged kitchen and dining area, and the second-floor extension would provide an additional bathroom. No additional bedrooms would be created, and the proposal would also not result in a new HMO or the loss of an existing C3 dwellinghouse. Therefore, there would not be an intensification of the existing use as an HMO and that the existing housing mix and community balance would be retained.
8. The appeal property is located on Derby Road, which is a main radial route out from the city centre, and the property is adjacent to the traffic-light-controlled junction at the crossroads of Derby Road and Lenton Boulevard. The property has a driveway and a modest rear yard and parking area. Given its location and the lack of a rear garden, in my view, the property is not ideally suited to family accommodation. I acknowledge that a further reduction of the yard space could be less desirable for a family, although this would be countered by the enlarged kitchen and dining area and a second-floor bathroom. However, even if the proposed extensions make the property more desirable as an HMO, I have no evidence before me to demonstrate that the property would return to a C3 use as family housing should this appeal be dismissed. Notwithstanding this, I am unconvinced on the basis of the evidence before me, that the proposed alterations in themselves would make the property unviable as a C3 use.
9. 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 off-street parking and landscaping to the front of the house

and retains the residential character of the area. Overall, I have no 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.

10. 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, Policy 8 of the Aligned Core Strategy (adopted September 2014) (ACS) which also requires residential development to create sustainable, inclusive and mixed communities, and with the aims of the Framework.

Character and Appearance and the Conservation Area

11. The appeal site is close to the north-eastern corner of the New Lenton Conservation Area (CA). This part of the CA is characterised by late Victorian housing. The appeal property is one of a group of semi-detached three-storey dwellings built to a similar design with gable roofs and double-storey bay windows. The historical interest and uniform character and appearance of the properties contributes to the significance of the CA.
12. The proposed extensions would be of a simple and subservient design that respects the existing form of the house, and would be finished with exterior materials to match the existing property. Furthermore, the extensions would have limited visibility from the street. I note that the Council raises no objections to the proposal on the grounds of design, and based on the evidence before me I agree that the proposal would cause no harm to the character and appearance of the original dwelling and the street scene. Consequently, the proposal would preserve the character and appearance of the CA.

Conditions

13. In the absence of any suggested conditions from the Council, the standard time limit on the commencement of the development is included together with a plans condition for certainty.
14. In the interests of the character and appearance of the appeal property and the CA, it is necessary for a condition requiring the external materials of the extensions to match the exterior materials of the existing dwelling
15. 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.

D Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. 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.

S Ashworth

INSPECTOR