
Appeal Decision

Site visit made on 19 October 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/Q3060/W/20/3257103

36 Lace Street, Nottingham NG7 2JG

- 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 Sandeep Krishan (Flare Homes Ltd) against the decision of Nottingham City Council.
 - The application Ref 20/00928/PFUL3, dated 8 May 2020, was refused by notice dated 6 July 2020.
 - The development proposed is single storey rear extension. first floor rear extension, internal and external alterations to create an 8 bedroom sui generis HMO.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form describes the proposed development as creating a 7 bedroomed House in Multiple Occupation (HMO). However, the decision notice, appeal form, and appeal plans indicate 8 bedrooms are proposed. I have therefore taken the description of the development from the appeal form and determined the appeal accordingly.
3. There are two further appeals before me for development to 34 Lace Street¹ and for development of the outbuilding to the rear of 34 and 36 Lace Street². These appeals are the subject of separate decisions.

Main Issues

4. The main issues are the effect of the development on:
 - the wider need to create and maintain balanced and mixed communities;
 - the character and appearance of the area;
 - the living conditions of future occupiers of the HMO;
 - flood risk; and,
 - the living conditions of neighbouring properties.

¹ APP/Q3060/W/20/3257101

² APP/Q3060/W/20/3257105

Reasons

Balanced and mixed communities

5. The general approach of Policy 8 of the Nottingham City Aligned Core Strategy Part 1 Local Plan (September 2014) (Core Strategy) is that residential development should provide a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
6. Policy HO6 of the Nottingham City Land and Planning Policies Local Plan Part 2 (LAPP) only supports the extension/alteration of existing HMO's, including development that facilitates an increase in the number of occupiers/ bed spaces, provided there is no conflict with Policy HO1 and HO2 and, among other criteria, regard is given to the existing proportion of HMOs in the area.
7. Policy HO1 and HO2 are concerned with maintaining family housing and are not relevant here as the appeal property is an existing 6 bedroomed HMO.
8. I accept that there is no area-based designation identified on the LAPP proposals map and that the Council refers to a high student concentration rather than significant. However, the Council has identified that Council tax records show a 70% student occupation in the 'output area' which is independently defined by the Office of National Statistics. 'Significant concentration' is defined as an area where 10% or more of properties are HMO's or student households.
9. Given the significant concentration of student occupation in the area, I consider that the provision of 2 additional bed spaces within the property would exacerbate the already skewed housing mix. I appreciate that the property does not need to be let to students, but the appellant has not indicated that it would not be.
10. I therefore conclude that the development would have a harmful effect on the wider need to create and maintain balanced and mixed communities. As such it would conflict with Policy 8 of the Core Strategy and Policy HO6 of the LAPP as set out above.

Character and appearance

11. Lace Street is part of an area of relatively dense residential development. It is characterised by semi-detached and terraced houses largely constructed of brick. The appeal property is a semi-detached house in a short row of properties of similar scale and form, set back from the road frontage with ground floor bay windows and attractive brick detailing and chimneys. Properties are separated by narrow alleyways providing pedestrian access to the rear.
12. At my site visit I noted that the rear of the appeal property, including previous extensions and the existing outbuilding, are visible from City Road. The removal of the outbuilding would provide space at the rear of the site. It would also remove the currently irregular subdivision of 34 and 36 Lace Street whereby the outbuilding cuts across the two rear garden areas and it would open up views into the rear of properties from City Road.
13. However, the proposed ground and first floor extensions would be of significant depth and would extend across the full width of the rear elevation. By virtue of

their flat roof design the extensions would present a substantial and contrasting mass that would obscure the original rear elevation of the property. The design and size of the proposed extensions taken together with the dormer roof extension, would result in bulky and incongruous additions which would not be offset by the removal of the outbuilding.

14. Further, the use of render would contrast with the predominantly brick exterior of surrounding buildings, detracting from the street scene along City Road and Lace Street and drawing attention to the significant and incongruous additions proposed. The appearance of the gable elevation would also be diminished by the removal of the ornate brick chimney in the gable elevation.
15. Consequently, I conclude that the proposal would detract from the character and appearance of the area and would conflict with Policy 10 of the Core Strategy and Policy DE1 of the LAPP which collectively seek, among other things, to ensure that development is appropriate to the character of the area in particular the established scale, massing and materials.

Living conditions- future residents

16. The proposal includes two new ground floor triple and obscure glazed bedroom windows in the gable wall of the original house facing the joint access between No 34 and No 36. It is not clear from the evidence if the windows are openable. The comings and goings associated with the use of the appeal site and the neighbouring property close to the proposed windows would result in the occupants of these bedrooms being subjected to significant noise and disturbance. Further, due to their design and siting the windows would provide limited outlook, natural light and ventilation.
17. The appellant suggests that because of the quality of the proposed living areas the use of the bedrooms would be restricted to sleep and study. However, study amounts to a significant part of a student's time and I anticipate that the rooms would be occupied for considerable periods. In any case, the living areas are shared spaces whereas the bedrooms are private, and this would likely increase their use.
18. I do not agree that because potential occupiers would be aware of the living conditions that these conditions are acceptable. Further, the properties were built with windows facing the street and rear yards or gardens providing rooms with an outlook and I do not agree that the proposed windows would conform to the established urban grain.
19. Consequently, the development would not provide adequately for the living conditions of future occupiers of the property and would conflict with Policy 10 of the Core Strategy and Policy DE1 of the LAPP where these policies seek to ensure a satisfactory level of amenity for future occupiers of development.

Flood risk

20. The appeal site lies within Flood Zone 2/3 where, as set out in Policy CC3 of the LAPP, development should only be considered following the Sequential Test (and, if required the Exception Test) where, informed by a site-specific flood risk assessment (FRA), it can be demonstrated, among other things, that development is appropriately flood resilient and resistant.

21. The Planning Practice Guidance makes it clear that an FRA should be proportionate to the degree of flood risk, appropriate to the scale, nature and location of the development and make optimum use of information already available, including that in any Strategic Flood Risk Assessment for the area. However, in the absence of an FRA, the proposal is unacceptable in failing to adequately address the safety of future occupiers with regard to the level of flood risk.
22. Therefore, the proposal would conflict with Policy 1 of the Core Strategy and Policy CC3 of the LAPP where it requires development proposals to be informed by a site-specific FRA.

Living conditions-neighbouring properties

23. The proposal would increase the number of bedrooms in the property by 2. The Council considers that this increase would exacerbate existing concerns about noise and general disturbance in the area. However, I have not been provided with any evidence of this. I observed at my site visit that parking restrictions are effective during the week. The Council does not indicate that there is a parking problem at other times. Further, there is no evidence that the street environment or adjacent residents have been affected by the existing HMO, or would be, as a result of the additional occupants.
24. The property is in the same ownership as the adjacent property No 34. I have considered that the adjacent property proposes 2 additional bed spaces under the appeal proposal before me at 34 Lace Street. Even when considering the cumulative impact of 4 additional bed spaces there is no evidence that the additional accommodation would result in a noticeable increase in the use of the property that would exacerbate an existing problem or cause noise and disturbance to neighbouring residents in the wider area.
25. Overall, the proposal would not detract from the living conditions of neighbouring properties and would accord with Policy 10 of the Core Strategy and Policies HO6 and DE1 of the LAPP where these policies seek to protect the amenity of nearby residents.

Other Matters

26. I have considered the other benefits set out in the appellants statement including the removal of the outbuilding, additional outside space, the removal of an existing window overlooking No 34 and the improved standard of the accommodation. I do not find that these matters either individually or cumulatively outweigh the harm I have identified.
27. I have had regard to the National Planning Policy Framework (the Framework) where it seeks to significantly boost the supply of housing, where it supports the provision of a range of size, type and tenure of housing and the need to provide for groups with specific housing requirements and entry-level sites for those looking to buy or rent. However, I have been provided with limited evidence of the contribution the development would make to the wider local housing market.
28. I have also considered the Framework requirement to support the efficient use of land. Nevertheless, the Framework also requires that I take account of the

importance of securing well-designed, attractive and healthy places with which I consider the proposal would conflict.

Conclusion

29. While I am satisfied, based on the evidence before me, that the development would not detract from the living conditions of neighbouring properties, I conclude that the development would have a harmful effect on the wider need to create and maintain balanced and mixed communities, would harm the character and appearance of the area, would detract from the living conditions of future occupiers of the proposed development and has failed to adequately address the safety of future occupiers with regard to flood risk.
30. Therefore, for the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR