



Appeal Decision

Site visit made on 15 December 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2021

Appeal Ref: APP/Q3060/W/20/3259883

240 Highbury Road, Nottingham NG6 9FE

- 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 D Lazarides against the decision of Nottingham City Council.
 - The application Ref 20/01048/PFUL3, dated 29 May 2020, was refused by notice dated 27 July 2020.
 - The development proposed is proposed 'reinstatement of permitted development rights within Class L of Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) to enable change of use between use classes C3 "dwellinghouses" and C4 "house of multiple occupation" for up to six people'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the loss of a family sized dwelling on the wider need to create and maintain a balanced and sustainable community.

Reasons

3. Policy 8 of the Nottingham City Aligned Core Strategies Part 1 Local Plan (ACS) adopted September 2014 places an emphasis on providing family housing. A key priority for the Council is the provision of homes suitable and attractive to families with the provision of larger homes of 4 or more bedrooms a particular priority.
4. The implementation of Policy 8 is supported by Policy HO2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020) (LAPP). Policy HO2 sets out a presumption against the loss of dwelling houses (Use Class C3) for family occupation, including through the conversion to Use Class C4. Exceptions to this presumption include 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 other regeneration aspirations or where an applicant can demonstrate that the property is no longer suitable for family occupation.
5. The appeal property is a 5 bedroomed three storey semi-detached house. The property has a rear garden with access and parking to the frontage. It is located close to public transport on a main through route into the city and near

services and facilities. I am satisfied that the property is suitable for family occupation.

6. The appellant contends that there would be no permanent loss of a family dwelling as the reinstatement of permitted development rights (removed by an article 4 direction) would allow for change between Class C3 and Class C4 without the need for further planning permission. However, the appellant does not set out why the appeal site in particular should not be subject to the city wide article 4 direction and, I consider that, in seeking planning permission that would allow the property to be used as an HMO, the proposal would lead to the loss of a family sized dwelling.
7. The applicant indicates that the HMO would meet other housing need and regeneration aspirations by providing accommodation for young professionals and key workers. However, there is no evidence before me of a particular need or demand for such accommodation within this area of the city. Further, without a mechanism to limit occupancy to a specific group, only minimal weight can be attached to the appellant's aspiration of providing accommodation to specific occupiers.
8. The appellant highlights that there are a limited number of HMO's within the immediate area. I accept that there would not be a 'significant concentration' of HMO's based on the criteria set out in Policy HO6. However, the protection of dwelling houses suitable for family occupation under Policy HO2 seeks to address a citywide shortage of homes which are suitable and attractive for families. There is no local evidence before me that an alternative mix of housing is appropriate in this case.
9. Overall, I conclude that the development would result in the loss of a family sized dwelling to the detriment of the wider need to create and maintain a balanced and sustainable community. As such, it would conflict with Policy 8 of the ACS and Policy HO2 of the LAPP as set out above.

Other Matters

10. I note the reference to an appeal decision at Colwick Road¹. The site circumstances, previous occupation and the evidence provided in support of that appeal were different and the circumstances of that appeal do not lead me to a different conclusion on the proposal.

Conclusion

11. Therefore, for the reasons given, the appeal is dismissed.

Diane Cragg

INSPECTOR

¹ APP/Q3060/W/20/3250938