

Appeal Decision

Site Visit made on 17 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/Q3060/W/20/3253916

230 Radford Boulevard, Nottingham, NG7 5QG

- 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 Romero Howe against the decision of Nottingham City Council.
 - The application Ref 19/02703/PFUL3, dated 17 March 2020, was refused by notice dated 13 May 2020.
 - The development proposed is single storey rear extension to 230 Radford Boulevard to create a larger kitchen and living area.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension to create a larger kitchen and living area at 230 Radford Boulevard, Nottingham, NG7 5QG in accordance with the terms of the application, Ref 19/02703/PFUL3, dated 17 March 2020, and the plans submitted with it, 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: 20.021 02 (Site Plan); 20.021 02 (Proposed Site Plan); 20.21 03; 20.21 04; 20.21 05A; 20.21 06.

Preliminary Matters

2. The National Planning Policy Framework was revised on 20 July 2021 and the Council and appellant have had an opportunity to comment on the implications of this.

Main Issues

3. The main issues are the effect of the development on:
 - the provision of balanced communities, including family size units and
 - the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance.

Reasons

Balanced communities

4. The appeal site comprises a mid-terrace property, and the plans indicate that the property has 4 bedrooms, with accommodation arranged over 3 floors and has a House of Multiple Occupants (HMO) licence, with the appellants evidence indicating that this is for up to 6 occupants. The proposed extension would result in an overall increase to 6 bedrooms and the creation of a shared communal living space.
5. Policy 8 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (CS) states that within Nottingham City there is an emphasis on providing family housing and that an appropriate mix of house type should be informed by the need to redress the housing mix within areas of concentration of student households and HMOs.
6. The supporting text to the policy, highlights evidence from the Strategic Housing Market Assessment (2007) that the biggest growth in household needs is likely to be amongst smaller households and a significant increase in single person households. However, it also highlights the lower percentage of family housing available and seeks to resist the loss of this type of housing, of which there is a recognised shortage within Nottingham City.
7. The existing dwelling has 4 bedrooms and therefore provides accommodation which would be of a size suitable for a family and also has access to private amenity space. As such it would meet the recognised need for larger family housing and no evidence has been submitted to demonstrate that there is an identified need for the type of accommodation provided by the appeal or a lack of demand for family housing.
8. However, the building is currently occupied as an HMO and benefits from a Certificate of Lawfulness for occupation of between 3 and 6 occupiers. There is no evidence before me to indicate that it would be likely to revert to a single dwelling, despite the existence of permitted development rights to do so. Therefore, the existing building does not currently contribute to the Council's existing stock of family housing, which the aforementioned policy seeks to protect.
9. Policy HO6 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 2020 (DPD) requires that when considering extension/alterations of existing HMOs, consideration is given to the proportion of HMOs in the area and whether this proportion amounts or will amount to a significant concentration.

10. There is no substantive evidence before me to demonstrate that the addition of a single storey extension to the existing dwelling would lead to a significant concentration of HMOs within the area. In particular, no evidence has been submitted by either party in relation to the number of HMOs within Radford Boulevard, or surrounding streets. The Councils delegated report indicates that there is a threshold of 10% of non-family households, which is used to determine if communities are considered unbalanced. It goes on to confirm that the area currently stands at 6.8%. These figures are not disputed and therefore, I am satisfied that an undue concentration of such properties does not currently exist.
11. Furthermore, the development before me is for an extension to an existing HMO to provide communal living facilities and does not include any reference to an increase in the number of occupants beyond that currently permitted. Therefore, I have dealt with the appeal on this basis and should the appellant wish to increase the number of occupants in the future to create a large HMO, this would be a matter for the Council.
12. For the above reasons, and as a result of its current and proposed continued occupation as a small HMO, the development would not result in harm being caused to the provision of balanced communities, including family size units, in accordance with Policies HO1, HO2, HO6 of the DPD and Policy 8 of the CS which together seek to ensure the provision of an appropriate mix of dwelling types.

Living conditions

13. The appeal property is a mid terrace property located in a residential street of similar properties, with other dwellings in close proximity to one another. However, the appeal site is located on a busy road, with traffic travelling past at regular intervals. On the opposite side of the road is a retail park, comprising a supermarket and other retail provision comprising a wide range of goods. As such the location is close enough to the activity associated with these commercial uses, that there is a general background level of activity, and therefore is not within a quiet suburban area.
14. I have not been provided with any evidence that the existing use of the appeal site as an HMO has resulted in any harm to the living conditions of neighbours. Furthermore, the proposal before me does not include any increase on the permitted number of occupants, therefore whilst the number of bedrooms will increase from 4 to 6 as a result of the reconfiguration of the internal layout, the appellant has confirmed that the maximum occupancy level as outlined within the lawful development certificate would remain the same.
15. Therefore, there is nothing to suggest that the occupancy of the proposed building would result in any overcrowding, which can otherwise lead to an unreasonable level of noise and disturbance. Similarly, as the level of occupation is not proposed to be increased as a result of the development, it would not lead to any increased demand for on-street parking.

16. I therefore conclude that the appeal scheme, namely a single storey extension, would not harm the living conditions of the occupants of nearby residents, by virtue of increased noise and disturbance or demand for on-street parking. The proposal would comply with Policy 10 of the CS which seeks to ensure that the impact on the amenity of nearby residents or occupiers is assessed and Policy DE1 of the DPD which requires a satisfactory level of amenity to be provided for occupiers of neighbouring properties.

Conditions

17. I have not been provided with any suggested conditions however, in addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.

Conclusion

18. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR