



Appeal Decision

Site Visit made on 27 July 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 September 2021

Appeal Ref: APP/N3020/W/21/3268857

45 Ashwell Street, Netherfield NG4 2FQ

- 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 Justin Ingrey against the decision of Gedling Borough Council.
 - The application Ref 2020/0630, dated 24 June 2020, was refused by notice dated 14 January 2021.
 - The development proposed is Change of use from C3 dwellinghouse to seven-bedroom (Sui Generis) HMO including loft dormer extension.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from C3 dwellinghouse to seven-bedroom (Sui Generis) HMO including loft dormer extension, at 45 Ashwell Street, Netherfield NG4 2FQ, in accordance with the terms of the application and 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: 20064-P-001, 20064-P-002, 20064-P-102 C.
 - 3) Prior to the accommodation being first occupied, the cycle storage shown on the approved plans shall be provided and available for use. The facility shall thereafter be retained for the lifetime of the development, maintained in a manner fit for purpose and replaced with a similar structure if it becomes unfit for purpose.
 - 4) Prior to the approved development being first occupied, it shall be completed in accordance with the following mitigation measures outlined in section 5.0 of the revised Flood Risk Assessment (FRA) produced by Roy Lobley Consulting, Ref: RLC/0597/FRA01, dated 05/10/20: Finished Floor Levels shall be set no lower than 21.75 m Above Ordnance Datum; ground floor external doors shall be water resistant to a depth of 0.6 m; the first floor shall be used as a safe refuge area.

Main Issues

2. The main issues are:
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, including demands for on-street parking, and
 - the effect of the proposal on the character of the area.

Reasons

3. The site consists of a two-storey, three-bedroom end of terrace dwelling with a private garden to the rear. The site is located within a dense, residential area that has a tight urban grain comprising of two-storey short terraced and semi-detached dwellings that front the roads.
4. The properties on Ashwell Street and the immediate surrounding area do not have on-site car parking, or the space to accommodate it, and therefore residents that own cars rely mainly on on-street parking. The property is located within proximity to the local shopping centre, that is accessible on foot, which comprises of a range of shops, services and facilities that could meet the day-to-day needs of future occupiers of the proposal. The site is close to a train station and bus stops, though I have not been provided with any details of the extent of public transport services on offer.
5. I acknowledge that use of the property as a 7-bedroom House in Multiple Occupation (HMO) would result in an intensification of use of the property over and above its existing use. However, I consider the extent of the increase in use would not result in a level of activity of people coming and going of an extent that would be harmful to the living conditions of occupiers of existing neighbouring properties.
6. I appreciate the concerns raised regarding the potential increase in demand for on-street parking due to the proposed use. However, as noted above, the site is located very close to public transport options, on-site cycle storage would be provided, and the local centre is within walking distance. I consider these factors would be attractive to non-car users looking for the type of accommodation proposed. As such, some future occupiers may not have private motor cars. Notwithstanding this, I have not been provided with any substantive evidence to demonstrate that any additional cars associated with an increase in the number of residents in the property could not be accommodated within the existing on-street parking in the surrounding area. I therefore conclude that although some occupiers of existing properties may encounter some inconvenience regarding future on-street parking, I am not persuaded that this would be of an extent that should warrant planning permission being withheld.
7. The provision of 7 bedrooms in the property would be facilitated by the insertion of a rear dormer. I consider the design, size, and scale of the proposed dormer, and the external materials to be used, to be in keeping with the property; additionally, it would be barely visible from public vantage points. For these reasons I conclude that the proposed physical alterations to the property would not harm the character or appearance of the area.
8. Given that I have found that the additional extent of use would not be harmful to occupiers of existing properties, I consider that the limited intensification of use would also not be harmful to the character of the area. Although concerns have been raised regarding the number of such properties that have already been converted to HMOs, I have not been provided with any substantive evidence that the extent of such changes has had any harmful effect on the character of the area.
9. I therefore conclude that the proposal accords with Policy LPD 32 of the Local Planning Document: Part 2 Local Plan (2018), which seeks to ensure new

development does not have a significant adverse impact on the living conditions of occupiers of existing properties because of, among other things, level of activity on site and traffic.

Other Matters

10. In addition to the above issues, residents have made representations during the planning and appeals processes. The range of additional issues raised can be summarised as follows: highways (safety, traffic congestion, access for refuse collection); accommodation type (existing provision satisfies the demand for such accommodation and family housing is being lost); demand on local services, facilities, and utilities (eg. schools, sewage system and water supply); anti-social behaviour and crime; setting a precedent; whether the Council followed relevant protocol in respect of the Planning Committee Meeting and the democratic process; loss of value of properties in the area.
11. I consider the limited scale of the proposal would not have any detrimental effect on the surrounding highway network, such as congestion or access for service vehicles, or create any highway safety issues. I also note that the Local Highway Authority did not object to the proposal.
12. Local and national planning policies seek to provide a mix of housing types, sizes, and tenures to create mixed, inclusive, sustainable communities. I have not been provided with any substantive evidence to demonstrate that either the type of accommodation proposed is not required or that the loss of a 3-bedroom property would undermine local housing strategies and policies.
13. As I consider the proposed development to be small-scale, I consider any additional demands on local services, facilities, and utilities would be limited and readily accommodated.
14. Suggestions that the proposal is likely to lead to an increase in various forms of anti-social and/or criminal behaviour are unfounded.
15. I note that concerns have been raised regarding the proposal setting a precedent for similar development in the future. However, should the Council receive any applications in the future for similar developments it will be required to deal with them on their respective merits.
16. I note the claims made regarding the Council's protocol for speaking at Planning Committee. However, as very little detail has been provided, I am not able to comment with any degree of certainty on this matter. I also consider it to be a matter that should be raised with the Council, should representatives wish to pursue it further.
17. Regarding democratic processes, the appeals process is part of the democratic planning system. All the submissions and representations have been given due consideration in reaching my decision.
18. The courts have generally found that the planning system operates in the public interest, rather than the personal interest of individuals. I have adhered to this principle in reaching my decision.

Conditions

19. I have attached conditions specifying the approved plans and the provision of cycle storage shown on the plans for the avoidance of doubt and to promote the use of modes of transport other than the private motor car.
20. Given the site is located within a flood risk zone area, I have attached a condition requiring the approved development to be completed in accordance with relevant mitigation measures outlined in the FRA to minimise the impact of any future flooding.

Conclusion

21. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR