



Appeal Decision

Site Visit made on 1 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/Q3060/W/21/3271298

259 Woodborough Road, Nottingham NG3 4JZ

- 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 Nayan Lad against the decision of Nottingham City Council.
 - The application Ref 20/02125/PFUL3, dated 5 October 2020, was refused by notice dated 17 February 2021.
 - The development proposed was originally described as "*conversions of 3 storey semi-detached house to 2 flats*".
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Decision

1. The appeal is allowed and planning permission is granted for conversions of 3 storey semi-detached house to 2 flats including dormer to rear and pitched roof over existing side extension at 259 Woodborough Road, Nottingham NG3 4JZ in accordance with the terms of the application, Ref 20/02125/PFUL3, dated 5 October 2020, and the plans submitted with it, subject to the following conditions set out in the schedule attached to this decision

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. In the interests of natural justice both main parties have had the opportunity to make representation. In reaching my decision I have had regard to the revised Framework.
3. Notwithstanding the description of development set out above in the banner heading, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises the '*conversions of 3 storey semi-detached house to 2 flats including dormer to rear and pitched roof over existing side extension*'. I have used this description within the formal decision, for clarity, and that the Council dealt with the proposal on this basis and so shall I.
4. The existing floor layout at the site visit differed from the appeal plans as amongst other things, the works had not taken place. It would appear that the plans have been labelled incorrectly in part relating to the first floor, loft layout and 'existing' and 'proposed'. Notwithstanding this, I have considered the appeal against the submitted plans '*Drawing 1 – 259 Woodborough Road A3 Size Proposal Drawings*' and upon which I have based my decision.
5. As part of the appeal, the appellant has included additional plans/information showing the proposed design and specification of the kitchens to the property. The Council has had the opportunity to comment on the additional plans/information, I do not consider that its interests would be prejudiced if I

take these into account. I shall therefore determine the appeal for planning permission on the basis of the plans at the time of determination, as well as the plans/information submitted as part of this appeal.

Main Issue

6. The main issue in this appeal decision is the availability of family housing in the area and on the balance and sustainability of the community.

Reasons

7. Policy 8 of the Aligned Core Strategies Part 1 Local Plan, 2014 (ACS) sets out that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
8. Although the ACS goes on to say that within Nottingham City there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives. It sets out that within the City Centre there should be an emphasis on flats of two or more bedrooms to diversify the existing mix, together with innovative family housing on the City Centre Fringes, with elsewhere in the plan there should be a broader mix of housing.
9. Policy HO1 of the Nottingham City land and planning policies, Development Plan Document, Local Plan Part 2, 2020 (LAPP) sets out the Council's approach to housing mix. It encourages development of family housing, in assessing whether sites are capable and whether the resulting development will be in character with the local area, criteria will be taken into account. Policy HO2, has a presumption against the loss of dwellinghouses for family occupation through either sub-division, conversion to Class C4, or other non-residential uses, unless specific criteria is satisfied or demonstrated.
10. The appeal site is a vacant three-storey semi-detached property in need of modernisation, with four bedrooms spread across the floors. It is within a predominantly residential area. The neighbouring property is a five-bedroom student HMO. The appeal property is only marginally set back from the main road and has a small front garden, whilst the rear of the property features a relatively moderate sized paved garden in comparison to the size of the dwelling. The rear garden area is restricted in outlook and appears somewhat enclosed and overshadowed due to the considerable high boundary retaining walls, large gables and rear elevations of neighbouring properties and the brick outbuilding attached to the rear retaining wall boundary.
11. Parking is restricted along Woodborough Road, including double yellow lines and directly adjacent to the property access is a bus stop. As such, the appeal site would be less attractive to larger families with children given its constraints particularly from the busy main road, outside amenity areas, lack of parking, compared to other located properties within the locality.
12. The Council's evidence is limited, including the absence on the mix, type and tenure of homes within the vicinity of the appeal site. Reference has been made to the justification text of Policy 8 of the ACS that the City Council area has a lower percentage of family housing than other authorities within Greater Nottingham. Nonetheless, these figures appear to only relate to data in 2011, taken from the office of national statistics. I acknowledge that the City

Council's Housing Strategy 2008-2011 says the provision of more homes suitable and attractive to families is a key priority.

13. The proposal would inevitably result in a loss of a substantial sized dwelling to two self-contained flats. However, based on my observations at the time of the site visit. The area immediately surrounding the site appears to be primarily family housing, including a housing estate along Westville Gardens consisting of a mix of property types, including two and three storey dwellings. Neighbouring properties along Woodborough Road consist of a mix of HMO's and single dwellings.
14. Therefore, the harm from the loss of a large family home in this instance would be modest and would be outweighed by the increased mix and choice of accommodation as self-contained flats, making efficient use of the site, the net increase of a further residential unit and the sustainable location to the City centre. Moreover, although the appellant refers to couples, young professionals or graduates accommodating the units, I see no reason why the flats could not be occupied by families as smaller residential homes, particularly with the design of the upper floors as a two-bedroom flat. There would still be the potential for the building to return to a dwelling without further planning permission in the future. Neither do I consider, given the amount of development that two flats would make the area less attractive for families.
15. For the reasons given above, I conclude that the proposed development would not have an unacceptable effect on the availability of family housing to the detriment of a balanced and sustainable community in the locality. Consequently, I find no conflict with the aims of Policy 8 of the ACS, or Policies HO1 and HO2 of the LAPP. Which taken together seek to create and maintain a balanced community and ensures an appropriate mix of housing types. Whilst these policies support family housing, they do not preclude other types of residential accommodation.

Other Matters

16. The proposed development has the potential for increased noise and disturbance through additional sound transmission between the flats and neighbouring property. The Council have indicated that this could be addressed through conditions relating to soundproofing measures / mitigation. I have no reason to disagree with the Council's assessment. As such, there would be no harm to existing or future occupiers living conditions, subject to suitably worded conditions.
17. The Council have not raised any concerns in regard to the rear dormer extension or the pitch roof to the side extension. I noted that neighbouring properties had rear dormers and the views of the side extension roof were limited. Therefore, this part of the proposal would be acceptable, provided that external materials were matching to the original property.
18. I have been referred to an appeal decision¹, however this is not comparable with the proposal before me as it relates to the conversion of a dwelling to an HMO with 5 letting rooms. In any event, I must consider the appeal on its own merits on the basis of the evidence before me.

¹ APP/Q3060/W/18/3207590

Conditions

19. I have considered the conditions suggested by the Council, and in light of the Planning Practice Guidance (PPG). The appellant has confirmed the conditions are deemed to be acceptable, including pre-commencement. For clarity, precision and to ensure compliance with the PPG, I have undertaken some minor editing and rationalisation.
20. A condition specifying the time limit and approved plans is necessary as this provides certainty. I have imposed condition (3) relating to a noise assessment and soundproofing scheme, to be agreed by the Council and to ensure there is no adverse harm to the living conditions of existing neighbouring or future occupiers of the flats. I have also included the relevant implementation clauses. To ensure a satisfactory visual appearance, condition (4), requiring the use of external materials to match the existing building.

Conclusion

21. The proposal would not conflict with the development plan and the Framework, taken as a whole. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

KA Taylor

INSPECTOR

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259 Woodborough Road, Nottingham NG3 4JZ

Schedule of conditions attached to planning permission

- 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: MC/20/188/C/001/Site Plan, Drawing 1 – 259 Woodborough Road A3 Size Proposal Drawings, Proposed Kitchen Design Ground Floor Flat, Proposed Kitchen Design Second Floor Flat.
- 3) Prior to the commencement of the development, an environmental noise assessment and sound insulation scheme shall be submitted to and be approved in writing by the Local Planning Authority.

The environmental noise assessment shall include the impact of any transportation noise, noise from people on the street and be carried out whilst any premises and/or activities in the vicinity that are likely to have an adverse effect on noise levels are operating. In addition, it shall include predicted noise levels for any plant and equipment which will form part of the development, octave band analysis and all assumptions made (e.g. glazing and façade areas). The development shall be carried out in accordance with the approved environmental noise assessment.

The sound insulation scheme shall include the specification and acoustic data sheets for glazed areas of the development and any complementary acoustic ventilation scheme and be designed to achieve the following internal noise levels:

- i. Not exceeding 30dB LAeq(1 hour) and not exceeding NR 25 in bedrooms for any hour between 23.00 and 07.00,
- ii. Not exceeding 35dB LAeq(1 hour) and not exceeding NR 30 for bedrooms and living rooms for any hour between 07.00 and 23.00,
- iii. Not normally more than 45dB L_{Amax}(1 min) in bedrooms (measured with F time weighting) between the hours of 23.00 and 07.00,
- iv. Not more than 50dB LAeq(1 hour) for garden areas (including garden areas associated with residential homes or similar properties).

The sound insulation scheme shall be carried out in accordance with the approved details. The approved sound insulation scheme shall be fully implemented and operational prior to the occupation of the development hereby approved.

- 4) The materials to be used in the construction of the external surfaces of the rear dormer and pitched roof over existing side extension hereby permitted shall match those used on the existing building.