



Appeal Decision

Site visit made on 14 December 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/Q3060/W/21/3277773

7 Mount Hooton Road, Nottingham NG7 4AY

- 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 Guliano Biondi against the decision of City of Nottingham Council.
 - The application Ref 20/00734/PFUL3, dated 6 April 2020, was refused by notice dated 28 May 2021.
 - The development proposed is Proposed Two Storey Side Extension to Existing Flats to Create 1 x 5 Bed Flat (C4 HMO) and 1 x 7 Bed Flat (Sui Generis HMO), New Front Dormer Windows, New Roof and External Alterations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The mix and balance of housing in the area.
 - The effect of the development on the Conservation Area.
 - The effect of the development on the living conditions of adjacent neighbours with regard to loss of light and outlook.

Reasons

3. The appeal site houses a sizeable two storey property that has been converted to student apartments and previously extended. The area is residential in nature and is located within the Forest Grove Conservation Area (the FGCA)
4. Policy 8 of the Aligned Core Strategies Part 1 Local Plan (2014) (the ACS) has an emphasis on providing family housing, including larger family housing, but the policy also considers that development should provide and contribute to a mix of tenures, types and sizes in order to create sustainable, inclusive and mixed communities.
5. Policy H06 of the Nottingham City Council Local Plan Part 2 – Land and Planning Policies (2020) (The LAPP) links into this with regard to Houses in Multiple Occupation (HMO) and lists criteria for development to meet in terms of its impact and sets out a calculation methodology to assess 'significant concentrations' of HMO.

6. The methodology sets the figure for the area, which is demonstrated to be more than 10% of HMO/Student Households, and is already breaching that methodology calculation.
7. Where a larger percentage of HMOs are occupied by students, there can be a difference in social interactions and the usage of services and facilities between busy term times and holiday periods. This often has a negative effect on the character of an area, and the methodology approach does allow for consistency in the approach to planning applications for such types of occupation and allows the Council to control the levels and concentrations in particular areas. Whilst additional HMO units that would be generated by the appeal proposals may appear to be a minor increase in the overall proportion, when taken together with the existing proportion of HMOs in the locality, I find that the proposed use would materially harm the character of the surrounding area, and further imbalance the overall makeup of the community and its well-being.
8. It is not in doubt that the development would add to the potential mix of housing choice available, as set out in Policy 8 of the ACS, but Policy H06 of the LP sets out the policy methodology for levels of HMO/Student Housing and this is breached.
9. As a result, I find that the appeal proposals, for additional HMO accommodation, would result in a detriment to the housing mix and balance, contrary to Policy 8 of the ACS and Policy H06 of the LAPP.

Effect on Conservation Area

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting Conservation Areas, states that special attention shall be paid to the desirability of preserving or enhancing the character and/or appearance of the area.
11. The FGCA was first designated in 1986 and the area is a product of Nottingham's expansion in the second half of the 19th Century and one of the first suburbs to be developed outside of the town covering about 3 hectares, one mile from the city centre.
12. The area was originally purchased to provide cottages and allotments for working class families, but due to the need for high quality building land it was developed for housing, characterised by large Victorian properties set within spacious walled gardens.
13. Having viewed the property, I find that due to the various conversion works and extension, it now adds very little to the FGCA as a whole. The alterations have taken it away from its original design and this has not aged the building kindly and its design and impact both on the FGCA and the wider street scene has considerably diminished its overall standing within the FGCA. I find that the property has a neutral impact on the FGCA as a whole.
14. With the changed circumstances of the host building, I cannot agree with the Council's summarisation of less than substantial harm from the extension. I do not consider that the design of the extension is particularly out of place from a design perspective based on the modified property and would have a neutral effect on the FGCA.

15. In conclusion on this issue, given the appearance of the existing structure combined with the works proposed would cause neutral harm to the architectural authenticity and integrity of the FGCA, and as a result, would be compliant with Policies 10 and 11 of the ACS and Policies DE1 and HE1 of the LAPP which, when taken as a whole, amongst other matters expect development to respect the setting of heritage assets.

Living conditions of adjacent residents

16. The appeal extension as proposed, is built toward the adjacent properties on Weston Avenue and would greatly increase the amount of built development closer to those properties. Habitable windows would look directly toward the new development and would lead to a greater impact on the living conditions of the adjacent residents and be further compromised by additional restrictions to daylight and sunlight for those properties, were the proposal to be constructed.
17. I note that the appellant has modified the proposals in order to reduce the impact but I find that material harm is still caused by the impact of the extension.
18. As such, I find that on this issue, the proposals are contrary to Policy 10 of the ACS and Policy DE1 of the LAPP which, amongst other matters, expect development not to impact on the amenity of nearby residents or occupiers by issues such as daylight, sunlight or outlook.

Conclusion

19. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR