

Appeal Decision

Site visit made on 28 April 2022

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2022

Appeal Ref: APP/Q3060/W/21/3284209

35 Colwick Road, Nottingham, NG2 4AL

- 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 WHM Properties against the decision of Nottingham City Council.
 - The application Ref 20/02787/PFUL3, dated 22 December 2020, was refused by notice dated 13 April 2021.
 - The development proposed is Change of Use from Use Class C3 (Dwelling) to Use Class C4 (4 bed house in multiple occupation).
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Decision

1. The appeal is allowed, and planning permission is granted for Change of Use from Use Class C3 (Dwelling) to Use Class C4 (4 bed house in multiple occupation) at 35 Colwick Road, Nottingham, NG2 4AL in accordance with the terms of the application, Ref 20/02787/PFUL3, dated 22 December 2020, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. That the development hereby permitted shall be carried out in accordance with the plans and documents submitted with the application.

Procedural Matter

2. Despite repeated requests¹ the Council has not provided full copies of all of the relevant policies set out in the Decision Notice. However, in making their case, the appellant has quoted those policies. Conscious of Rule 16(1) of The Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009, which allow the Secretary of State to proceed to a decision on an appeal taking into account only such written representations as have been sent within the relevant time limits, and the content of the Questionnaire submitted by the Council, I am however satisfied that I have sufficient evidence on the development plan context to determine the appeal before me.

Main Issue

3. The main issue is the effect of the proposal on the supply of dwellings suitable for family occupation.

Reasons

4. Policy 8 of the Greater Nottingham Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan, adopted 2014 (the

¹ 7 March, 17 March, 1 April, 19 April, 29 April

Part 1 LP) concerns housing size, mix and choice, requiring development to maintain, provide and contribute to a mix of tenures, types and size of homes to create sustainable, inclusive and mixed communities, with an emphasis on family housing. Policy HO2 of the Nottingham City land and planning policies Development Plan Document Local Plan Part 2, adopted 2020 (the Part 2 LP) seeks to protect dwellings suitable for family occupation. This policy is also couched in terms of providing sustainable, inclusive and mixed communities, and includes a presumption against, but not a prohibition of, the loss of houses for family occupation through conversion or sub-division.

5. The appeal site lies in a largely residential area, with an obvious mix of larger and smaller dwellings in terraces and groups of semi-detached houses. There are also shops and services nearby. The appeal property has 4 bedrooms, and as such, would appear suitable for family occupation, in common with much of the rest of Colwick Road.
6. However, both parties are clear that there are very few other Houses in Multiple Occupation (HMOs) in the area around the site, and there is evidence to suggest that the proposal would add to the sustainable, inclusive and mixed community of the area. There is no evidence that the proposal would lead to harm with regard to the quality of accommodation provided for future occupants, to the amenities of neighbouring residents or to any other harm. Specifically, there is no compelling evidence before me to suggest that this proposal would prejudice the creation and maintenance of a balanced and sustainable community.
7. I therefore find that the proposal would provide and contribute to the mix of tenures, types and sizes of homes in the area, in support of the existing sustainable, inclusive and mixed community, in compliance with Policy 8 of the Part 1 LP. Coupled with the extremely limited number of other HMOs in the area, which might otherwise combine with this proposal to have a significant effect on the supply of houses for family occupation, I am satisfied that the proposal is also acceptable with regard to Policy HO2. On the basis of the evidence before me, I therefore find that the proposal does not have a harmful or unacceptable effect on the supply of dwellings suitable for family occupation.

Conditions

8. As set out above, the Council have provided limited information in response to this appeal including any information on suggested conditions. Having had regard to the requirements of the National Planning Policy Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2).

Conclusion

9. For the reasons given above I conclude that the proposal does not conflict with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

S Dean

INSPECTOR