



Appeal Decision

Site visit made on 10 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2022

Appeal Ref: APP/Q3060/W/22/3292096

81 Claude Street, Nottingham NG7 2LA

- 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 Flare Homes Ltd (Mr Sandeep Krishnan) against the decision of City of Nottingham Council.
 - The application Ref 21/02052/PFUL3, dated 15 September 2021, was refused by notice dated 9 December 2021.
 - The development proposed is two storey side extension, single storey rear extension, roof dormer extension and internal alterations to create 3 No. en-suite bedrooms for wheelchair users (Part M Category 3) in conjunction with the change of use to sui generis.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:-
 - The effect of the proposal in terms of its suitability with local planning policies
 - The effect of the development on the living conditions of neighbouring residents, with particular regard to noise and disturbance.

Reasons

3. The appeal property is currently operating as a six-bedroom House in Multiple Occupation (HMO) and is located in a corner site, on the junction of Claude Street and Dunkirk Road. The locality is predominately residential in nature, with a mix of dwellings and HMOs. The development would see a range of internal and external works carried out, including a two-storey side extension, single storey rear extension and a dormer extension to form an additional three bedrooms for the use of wheelchair users as well as another bedroom to form a 10-bedroomed HMO in total. The appeal also includes change of use, as the site would house more than six separate residents.
4. The key policy is H06 of the Land and Planning Policies Development Plan Document – Local Plan Part 2 (2020) (the LAPP) requires that a change of use to extend or alter HMOs, including development that facilitates an increase to the number of occupiers or bedspaces, should not undermine local objectives to create or maintain sustainable, inclusive or mixed communities. Consideration will be taken with regard to the number of HMOs or student households in the area.

5. This will determine whether this proportion is a 'significant concentration', the sub-text to this policy states that 10% or more or the above is a significant concentration.
6. The Council have stated that this 'significant concentration' level is either 42.2% or 44.7% dependant on the area involved in the calculation. I have no reason to dispute these figures.
7. As the appeal property already operates as an HMO, the works proposed would not create an additional unit, but add to the existing portfolio of student accommodation, and as such, given the level of student accommodation is already considerably above the 10% figure set out in policy H06, it would not assist in maintaining a balanced and mixed community.
8. With regard to the size of the property, and its overall site area, I have no reason to doubt that with the required alterations, it could easily be converted back to a family home.
9. With regard to the provision of three wheelchair compliant rooms as part of the conversion works, a number of articles have been submitted in support of the scheme, demonstrating the lack of availability for accessible rooms for students with a disability.
10. However, whilst these aims are laudable, I have been provided with no supporting evidence to demonstrate that these rooms are actually needed as part of a wider project, or that they are in conjunction with a scheme supported by a body such as the university, or a charity specialising in such operations. Without any mechanism in place, there is no certainty that the rooms would be occupied by disabled users, and this could not be done by condition to ensure compliance, which is one of the concerns of interested parties.
11. As such, I can only give this argument limited weight, and I find that the conflict with policy outweighs this argument, and I concur with the policy findings of the Inspector that dealt with this issue in the previous appeal.
12. To conclude on this issue, the proposed change of use and extension of the property to form a large HMO would fail to create or maintain a balanced and mixed community. It would therefore be contrary to the provisions of policy 8 of the Nottingham City Aligned Core Strategy Part 1 Local Plan (adopted in September 2014) (Core Strategy) and policy H06 of the LAPP, which require, amongst other things, that development should maintain or create sustainable, inclusive and mixed communities.

Living conditions

13. With regard to this issue, I concur with the previous Inspector who found that the appeal proposal would not be harmful to the living conditions of neighbouring occupants by means of noise and disturbance. The appeal property is already operating as an HMO, amongst many in the area. While the works proposed would lead to a more intensive use of the property there would be insufficient additional noise and disturbance from the additional bedrooms that would warrant dismissal of the appeal on these grounds.

14. In summary on this matter, I conclude that the proposal would not be harmful to the living conditions of the neighbouring occupants. In this respect, there would be no conflict with policy 10 of the Core Strategy or policies DE1, HO6 and IN2 of the LAPP, where they seek to protect the amenities of nearby residents.

Conclusion

15. I find that the whilst the proposal would not be harmful to the living conditions of neighbouring occupants, with regard to the aims of local planning policy, I consider that the proposal would not create or maintain balanced and mixed communities. I have considered the benefits of the proposal as it relates to disabled users, however, these matters do not individually or cumulatively outweigh the harm I have identified.
16. Therefore, having considered the proposal against the Development Plan as a whole, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR