
Appeal Decision

Site visit made on 2 August 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 10TH August 2022

Appeal Ref: APP//Q3060/W/22/3296114

4 Colwick Road, Nottingham NG2 4BU

- 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 Erica Wun against the decision of Nottingham City Council.
 - The application Ref 21/02692/PFUL3 (PP-10487672), dated 16 December 2021, was refused by notice dated 15 February 2022.
 - The development proposed is the change of use from existing C3 (dwelling house) to C4 (houses in multiple occupation).
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from an existing C3 (dwelling house) to C4 (houses in multiple occupation) at 4 Colwick Road, Nottingham, NG2 4BU, in accordance with the terms of the application ref 21/02692/PFUL3 (PP-10487672), dated 16 December 2021, subject to the conditions set out below: -
 - a) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - b) The development hereby permitted shall be carried out in accordance with the following approved plans: ref. 383 03b proposed plans/location plan/site plan; 381 04 proposed elevations and the submitted site location plan.

Procedural Matter

2. The appeal is submitted for the change of use of a dwelling (Use class C3) to a house in multiple occupation (C4) (HMO). The appellant, in the submitted Design and Access Statement, states that it would be for a 6-bedroom property. However, in the submitted Appeal Statement, the appellant notes that sometime after 2007, the use of the ground floor was changed from retail to residential and that the use of the building at that time would have been as a shared house, although predating the introduction of the separate use class C4 for HMO's. The appellant considers that the property has never been used as a dwelling house and that the application description as a dwelling when last in use was so described in error. The property is described as being vacant for approximately 10 years and that *'it is proposed to reinstate the previous use as an HMO within use Class C4'*.

3. However, I have no definitive evidence before me as to the previous use of the premises as an HMO and the appellant notes that it has not been possible to gather sufficient evidence to support an application for a lawful development certificate relating to the last use of the property as such. In the circumstances, I have determined the appeal based on the submitted application for the change of use from a dwelling house (C3) to an HMO (C4).

Main Issues

4. The main issues are the effect of the proposed development upon (i) the loss of a family sized dwelling against the wider need to create and maintain a balanced and sustainable community and ii) the living conditions of the occupants of neighbouring properties and the area with regard to noise and disturbance.

Family dwelling

5. The appeal property forms part of a 3-storey block of mainly residential units and where the ground floors have previously been used for commercial purposes. A dental practice occupies one of the ground floors in the block. On 17 September 2019, a lawful development certificate was issued by the local planning authority (LPA) for the use of the adjoining property at No. 6 Colwick Road as an HMO for a maximum number of nine occupiers in eight households in eight bedrooms.
6. The appeal property, along with the rest of the block, is sited immediately to the back of the pavement to Colwick Road which is a busy thoroughfare and at a traffic light-controlled junction. There is a small rear yard area with a separate external access.
7. Policy 8 of the Council's Aligned Core Strategies Part 1 Local Plan 2014 (ACS) emphasises the need for family housing. Policy HO1 of Local Plan Part 2 2020 (LP) states that where sites are capable and suitable for accommodating family housing, such development is to be encouraged. The supportive text asserts that the Council has a fewer proportion of properties suitable for families than the national average and, as such, if the location of a site for residential purposes is appropriate, then it should be used for family housing as opposed to other forms of residential accommodation.
8. LP policy HO2 contains a presumption against the loss of dwellinghouses for family occupation including through their conversion to HMO's. It contains exceptions, including where such a property is not suitable for family occupation.
9. The appeal property faces a busy road and with limited amenity space to the rear. I find that it would be less than suitable as a family home with children because of these factors. Furthermore, while the above policies place an emphasis upon the creation and maintenance of the number of family homes, they do not state specifically that HMO's should be resisted or that a balanced community is made up of only family houses. The LPA has provided very

limited objective evidence relating to any imbalance to the mix of house types in the immediate area.

10. Therefore, for the above reasons, I conclude that the proposed use of the appeal property as an HMO would not be contrary to policy 8 of the ACS or with LP policies HO1 and HO2.

Living conditions

11. The appeal property extends over three floors, and while it has some limitations in terms of its position and amenity space, it could nevertheless accommodate a large family including parents, relatives and children. Its use as an HMO would not be dissimilar in terms of noise generation and the need for waste disposal facilities. There is space in the rear yard to accommodate bins and at least some area for sitting out. It is possible that there would be some intensification of use when compared to a family house, with occupants having their own living patterns in terms of deliveries and visitors and parking, but these matters are unlikely to be materially different to the use of the building as a family house. I have no evidence before me to suggest that the upkeep of the property would differ significantly in relative terms based on the type and tenure of occupation.
12. Therefore, I conclude that the development would accord with policy 10 of the ACS in terms of its impact upon the amenities of nearby residents and occupiers, and with policies HO6 and DE1 of the LP which state that new development, amongst other things, shall have regard to amenity considerations and the living conditions of adjoining occupiers.

Conditions

13. I have included a condition relating to a time limit for the commencement of development, and a condition specifying relevant plans in the interests of certainty.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR