



Appeal Decision

Site visit made on 19 July 2022

by Elaine Moulton BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/J3015/W/22/3295184
116 Marlborough Road, Beeston NG9 2HN

- 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 Shakeel Ahmed against the decision of Broxtowe Borough Council.
 - The application Ref 21/00909/FUL, dated 1 November 2021, was refused by notice dated 15 March 2022.
 - The development proposed is the change of use of the existing residential property (C3) to an eight bedroomed HMO (sui generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the existing residential property (C3) to a seven-bedroomed HMO (sui generis) and construction of cycle storage, gates and driveway at 116 Marlborough Road, Beeston NG9 2HN in accordance with the terms of the application, Ref 21/00909/FUL, dated 1 November 2021, subject to the following conditions:
 - 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 plan 116-PL02 Rev D.
 - 3) The premises shall only be used as a house in multiple occupation (HMO) for a maximum of 7 residents.
 - 4) Prior to occupation by the seventh resident, space shall be laid out within the site in accordance with drawing no. 116-PL02 Rev D for 4 cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
 - 5) Prior to occupation by the seventh resident, storage facilities for bicycles shall be provided in accordance with drawing no. 116-PL02 Rev D and those facilities shall thereafter be kept available at all times for the storage of bicycles.

Preliminary Matters

2. The description of the development in the heading above has been taken from the planning application form. The Council, however, determined the application based on a seven-bedroomed House in Multiple Occupation (HMO) following the submission of amended plans. The Council also altered the description of the development in the decision notice to include 'construction of

cycle storage, gates and driveway' which is more precise. I have adopted these amendments in the wording of the permission above.

3. Whilst it has been suggested that the property is currently in use as a six-bedroom HMO, the proposal before me is for a change of use from a Class C3 dwellinghouse to an HMO. Accordingly, I have determined the appeal on that basis.

Main Issues

4. The main issues are:

- Whether the proposal makes adequate provision for parking off-road and the effect of any lack of provision on highway safety; and
- The effect of the development on the living conditions of the occupiers of the attached terraced properties, with particular regard to noise, on-street parking, and bin collection.

Reasons

Adequacy of parking provision

5. Adopted parking standards have not been provided to assess the adequacy of the parking provision. However, the site is highly accessible, near to Beeston town centre, with good access to regular tram and bus services, thereby providing alternative modes of transport to the car. It is also noteworthy that the property is a seven-bedroom house with no off-road parking provision.
6. Taking such factors into consideration, the proposal is unlikely to significantly increase the number of occupants, or the number of cars associated with the property, particularly as car ownership levels are likely to be low given the nature of the use. I therefore find that the proposed 4 off-road parking spaces are sufficient.
7. Whilst provision is not made for vehicle turning within the site, that is no different to most dwellings with off-road parking in the area, including the adjoining dwelling on Hetley Road. Visibility is also comparable to existing accesses in the locality. There is no evidence that suggests that vehicle movements associated with the proposed HMO would have an unacceptable impact on highway safety when other, similar accesses in the area appear to function safely.
8. On my site visit, which I acknowledge is a snapshot in time, I noted that the nearby roads were busy but, nevertheless, there was on-street parking capacity in the vicinity of the appeal site. I also noted that there were no parking restrictions and that many of the properties close to the appeal site have off-road parking provision. It is, however, reasonable to assume that on-street parking demands in the locality will increase at peak times when more people are at home. Nonetheless, it is still likely that there is some capacity to accommodate additional parking on the highway. Particularly, as the provision of off-road parking as proposed will accommodate vehicles associated with the existing seven-bedroom house that currently park in the street.
9. Also, I have been presented with very little evidence as to how the proposal will lead to actual harm to highway safety if they choose to park on surrounding streets. No compelling case has been given to indicate that a lack

of on-site parking would lead to occupants choosing or being forced to park dangerously at a junction or on a bend in the road. Therefore, even if the development were to result in more people parking on nearby streets, which is unlikely for the reasons above, there is no substantive evidence to suggest that this would result in any material harm to highway safety.

10. Consequently, the development would make adequate provision for off-road parking and would not harm highway safety. As such it would not conflict with Policy 10 of the Aligned Core Strategy Part 1 Local Plan¹ (CS), and Policy P17 of the Broxtowe Part 2 Local Plan (LP) adopted October 2019. These, in part, seek to create a safe environment with sufficient, well-integrated parking and safe convenient access.

Living conditions

11. The appeal site is of sufficient size to provide a route from the back of the adjoining properties to the pavement even with the introduction of on-site parking and the storage of any additional bins if required. The proposal does not involve any operational development that may obstruct such a route. Therefore, the proposal would not materially affect the living conditions of the occupants of the other properties in the terrace through the aggravation of difficulties in this regard.
12. That planning permission is required for larger HMO's does not imply that this will inevitably lead to unacceptable effects. The appeal site is in a densely developed residential area on a busy road close to Beeston town centre. In the context of such background noise levels, the activity generated by seven persons living independent lives is unlikely to be more marked and intensive by comparison to that generated by the occupation of a seven-bedroom dwelling. In the absence of any evidence to the contrary, I am not persuaded that the level of noise and disturbance arising from the proposal would be at an intensity that would materially reduce the living conditions of neighbours.
13. As set out above, I am satisfied that the proposed on-site parking spaces addresses any additional parking requirements generated by the proposal. If a small amount of additional parking is required there is sufficient available on the street.
14. I therefore conclude that the proposed development would not unacceptably harm the living conditions of the occupiers of the attached terraced properties, with particular regard to noise, on-street parking and bin collection. It would therefore not conflict with Policy 10 of the CS and Policy P17 LP, where they seek to ensure a satisfactory degree of amenity for occupiers of neighbouring properties.

Other Matters

15. Concern has been expressed about the loss of a family home adding to an overconcentration of HMOs in the area. However, no evidence has been provided as to the residential profile of the neighbourhood where the appeal site is located to demonstrate that point. Furthermore, as I have found that the development will not cause harm, granting of permission would not create a precedent for other development that would be harmful.

¹ Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan adopted September 2014

16. I have taken into account representations about pollution from vehicles. However, as the road is already busy and I find that there will be few, if any, additional vehicles compared to a seven-bedroom dwelling this is a matter that does not affect my findings on the main issues. The scheme would also provide off-street parking where there is none.

Conditions

17. In addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached conditions specifying that the development is carried out in accordance with approved plans.
18. It is necessary to limit the number of residents to 7 to prevent additional on-street parking pressures and adverse impact on the living conditions of neighbours. In addition, it is necessary that the parking spaces and cycle storage facilities are provided prior to the occupation of the seventh bedroom, bearing in mind that it already a six-bedroom HMO, and retained for those purposes, for the same reasons.

Conclusion

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

Elaine Moulton

INSPECTOR