



Appeal Decision

Site visit made on 15 August 2022

by K Ford MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2022

Appeal Ref: APP/J3015/W/22/3294742

150 Queens Road, Beeston, Nottinghamshire NG9 2FF

- 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 Manjit Ram against the decision of Broxtowe Borough Council.
 - The application Ref 21/00052/FUL, dated 25 January 2021, was refused by notice dated 5 November 2021.
 - The development proposed is change of use of the existing residential property (Class C3) to a 7 bedroomed HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of the existing residential property (Class C3) to a 7 bedroomed HMO at 150 Queens Road, Beeston, Nottinghamshire NG9 2FF in accordance with the terms of application reference 21/00052/FUL, dated 25 January 2021 subject to the attached conditions.

Application for Costs

2. An application for costs was made by Mr Manjit Ram against Broxtowe Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect on the character of the area.
 - The effect on the living conditions of neighbouring occupants with regards noise and disturbance.
 - The effect on car parking in the area.

Reasons

Character

4. The appeal site is a semi-detached dwelling with off street parking in an area of mixed residential and commercial uses, including commercial uses opposite the site. The dwelling is within walking distance of Beeston town centre and is accessible to public transport routes including the tram and bus. The area has a busy urban character.

5. The dwelling has been subject to extensions and has been converted into a house in multiple occupation (HMO). There is dispute between the parties as to whether the property should have been classified use class C3 or C4 at the time the Council determined the planning application. In any event, the proposal seeks to change the property to a sui-generis use as a dwelling accommodating 7 individuals with the appellant indicating 6 people currently reside at the property.
6. There are no external changes proposed to the dwelling and there is little before me to indicate that the change of use would have a detrimental impact on the existing character of the area, particularly given the mix of uses in the vicinity of the site. The proposal would not harm the character of the area and therefore would not conflict with the parts of Policy 15 of the Part 2 Local Plan 2018-2028 (Local Plan) and Policy 8 of the Broxtowe Aligned Core Strategy 2014 (Core Strategy) which require a mix of housing tenures, types and sizes. It would also not conflict with Policy 17 of the Local Plan which among other things requires new development to integrate into its surroundings and make a positive contribution to the character of the area.

Living Conditions

7. The dwelling is located on a main road with a mix of uses so a level of noise and disturbance can already be expected. The occupation of the dwelling by 7 residents would not result in a significant increase in noise or disturbance for the occupiers of neighbouring dwellings due to the additional comings and goings of separate households. The patterns of behaviour of the occupants may be different to that of families but the development would be small in scale. There is little to indicate that the number of residents on the site would have a significant harmful impact on living conditions of the immediate surrounding residents, as suggested by the Council. In addition, there is no reason to doubt what the appellant says about the management policy with tenancy agreements to avoid any anti-social behaviour or disorder.
8. The proposal would not have a significantly adverse effect on the living conditions of neighbouring residential properties and therefore would not conflict with the part of Policy 10 of the Core Strategy which requires new development to be assessed for the impact on the amenity of nearby residents or occupants. Similarly, it would also not conflict with the part of Policy 17 of the Local Plan that requires new development to ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

Parking

9. The appellant says that there would be at least 4 car parking spaces in front of the property. From my observations on site I agree with the Council that the space to the front of the dwelling would more comfortably accommodate 2 car parking spaces. Nonetheless, the site is in an accessible location within walking distance of services and facilities and has good access to public transport. Given the accessibility of the site and the number of occupants there is little to suggest that the development would significantly increase car parking related issues in the area. The development would not therefore conflict with the part of Policy 17 of the Local Plan which requires new development to provide sufficient parking, be close to community facilities and have good access to public transport.

Other Matters

10. The Council has identified that granting planning permission would set a precedent to increase the number of properties being used as HMOs. Whilst there is a theoretical possibility of further applications, each case is determined on its own merits. I have found that in this specific case the proposal to create a 7 bedroomed HMO would not cause harm. However, it is open for a different conclusion to be reached in other cases, depending on the specific circumstances of a proposal. In addition, the Council has identified that an Article 4 Direction came into force in the area in March 2022 which will further control development within the area.

Conclusion and Conditions

11. For the reasons identified I conclude that the development would not harm the character and appearance of the area, the living conditions of neighbouring occupants with regards noise and disturbance or increase car parking problems in the area. The appeal should therefore be allowed and planning permission granted subject to necessary planning conditions.
12. In attaching conditions I am mindful of paragraph 57 of the National Planning Policy Framework which states that they should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
13. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring compliance with the submitted Flood Risk Assessment is necessary to reduce the risk of flooding.

K Ford

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be commenced before the expiration of 3 years beginning with the date of this decision.
2. The development hereby permitted shall be carried out in accordance with drawings: SG/18/12/11/03 Rev B received by the Local Planning Authority on 8 April 2021 and SG/18/12/11/03 Rev D received by the Local Planning Authority on 23 March 2021.
3. Prior to the implementation of the change of use hereby approved, the development shall be constructed in accordance with the submitted Flood Risk Assessment prepared by IDOM, ref FRA-22303-21-197 dated July 2021 and in accordance with the mitigation measures as detailed on page 8. These resilience measures shall be maintained and retained for the lifetime of the development.