



---

## Appeal Decision

Site visit made on 22 September 2022

**by F Wilkinson BSc (Hons), MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 October 2022**

---

**Appeal Ref: APP/Q3060/W/22/3295576**

**14 Grove Road, Nottingham NG7 1HJ**

- 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 Sunil Sood against the decision of Nottingham City Council.
  - The application Ref 22/00056/PFUL3, dated 3 January 2022, was refused by notice dated 18 March 2022.
  - The development proposed is described on the application form as change of use to two self-contained flats. Erection of rear dormer under permitted development.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council amended the description of the development proposed to 'Change of use to two self-contained flats. Erection of rear single storey extension and rear dormer'. This is also the description used by the appellant on the appeal form. The Council amended the description because flats do not benefit from the same permitted development rights as dwellinghouses. I have determined the appeal on this basis.

### Main Issues

3. The main issues are:
  - the effect of the proposed development on the provision of family accommodation as part of the housing mix to create and maintain balanced communities;
  - whether the proposed development would provide acceptable living conditions for future occupiers with regard to living space; and
  - the effect of the proposed development on the living conditions of neighbouring residents.

### Reasons

#### *Family Housing*

4. Policy 8 of the Aligned Core Strategies Part 1 Local Plan adopted 2014 (ACS) seeks a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, with an emphasis on providing family housing. The appropriate mix of housing will be informed by several indicators, including the need to redress the housing mix within areas of concentration of

student households and houses in multiple occupation (HMOs) and area character, site specific issues and design considerations.

5. Policy HO1 of the Land and Planning Policies Development Plan Document Local Plan Part 2 adopted 2020 (LAPP) encourages the development of family housing, including larger family housing, as opposed to other forms of residential accommodation, where sites are capable and suitable of accommodating such housing. The supporting text defines family housing as likely to be of no more than three storeys, have private enclosed gardens, and three or more bedrooms with two capable of double occupancy. Policy HO2 of the LAPP sets out a presumption against the loss of dwellinghouses suitable for family accommodation, including through sub-division, unless certain exceptions apply. This includes that the property is no longer suitable for family accommodation.
6. The appellant argues that the appeal property is no longer suitable for family housing given its location, the high concentration of students, and the lack of parking and gardens. To support their argument, the appellant refers to an appeal decision<sup>1</sup> at 4 Grove Road, where the Inspector concluded that the property was unsuitable as a family home for a number of reasons. This included that it had only two bedrooms, its proximity to a large roundabout and the A6005 (Abbey Bridge) which they described as a busy arterial route, its small yard next to a disused public house and parking area, and the clear views into the yard area from the public footway on Abbey Bridge.
7. The appeal property is a dwelling laid out over two storeys with a living/dining room, kitchen and bathroom on the ground floor and four bedrooms on the first floor. The submitted information suggests that at least two of the bedrooms would be capable of double occupancy. The property has a small rear yard. Although the A6005 road is to the rear, its upward slope means that it is at a higher level relative to no. 14 compared to no. 4, and there is a relatively high wall along the pavement. The appeal property has a mid-terrace location compared to the end of terrace position of no. 4 and it is located further from the disused pub and car park. These circumstances mean that there are less open views of the appeal property's rear yard, and the rear of the property generally, compared to that of no. 4.
8. Although the A6005 is described as a busy arterial route, it nevertheless has a 30mph speed limit in the vicinity of the property. Although there is no on-site parking provision, the Council's information identifies that there is an on-street residents parking permit scheme, and there is no evidence to suggest that future occupiers of the property would not be eligible for this. There are a number of public transport connections nearby, and a range of services and facilities within a reasonable walking distance including a supermarket, primary school, church and a community centre with sporting facilities.
9. The lack of off-street car parking, the location of the A6005, and the character of the outdoor amenity area may not prove attractive to some families. However, it has not been shown that these characteristics make the house unsuitable for family occupation, for example through evidence of unsuccessful attempts to sell or let it for family occupation. Based on the evidence before me therefore, there is not a compelling reason why the property would not be suitable for families.

---

<sup>1</sup> Appeal reference APP/Q3060/W/20/3264015

10. While the scheme at no. 4 that was allowed on appeal was also for the sub-division of the dwelling to two flats, as set out above, that dwelling does not have entirely similar circumstances to the appeal property, in particular relating to the number of bedrooms and the specific locational context for its rear yard. It is not therefore directly comparable to the appeal property in terms of its suitability for family occupation. Accordingly, this appeal decision does not alter my findings.
11. The Council is concerned that the proposed development would lead to the loss of a dwelling suitable for family occupation in a part of the city that already has a shortage of such dwellings, and hence further unbalance the mix of the local community. The Council's evidence states that the property is located in an area where 41.9% of households are students or HMOs. This is well above the 10% threshold set in Policy HO6 of the LAPP as striking an appropriate balance between meeting HMO and student accommodation needs within the city and supporting the objective of creating sustainable, inclusive and mixed communities. In addition, there is a development on the opposite side of Grove Road where the Council identifies that 110 out of 138 units are one or two bedroom flats.
12. The appellant states that there is a high demand for HMOs and for small flats for key workers and professionals. I also note the appellant's contention that, having spoken to a number of local agents, there is a severe lack of suitable smaller and more affordable properties for families and professionals in the area and that such accommodation rents and sells quickly. However, no substantive evidence is before me to counter the Council's position regarding the housing mix in the area, or to demonstrate that the need for smaller accommodation would outweigh the need for family housing, as identified in Policy 8 of the ACS and Policies HO1 and HO2 of the LAPP.
13. I acknowledge the interest from a potential tenant with a young family for the upper flat. Nevertheless, accommodation with three or more bedrooms is generally regarded as being suitable for families, as defined in the LAPP, and the larger upper flat would not appear to have access to any private external amenity space. My view therefore is that the proposed flats would generally be less likely to be used by families.
14. Based on the evidence before me and for the reasons stated, the proposed development would not meet any of the exceptions listed in Policy HO2 of the LAPP. This includes whether the proposal would fulfil other regeneration or housing aspirations of the Council and local evidence of need and demand for an alternative mix of housing. As such, the presumption against the loss of the dwelling for family occupation set out in Policy HO2 of the LAPP would apply.
15. The appellant has offered to insert a covenant into the lease to ensure that the flats would not be used for student housing and to ensure that they would be retained as professional, social and family housing. However, the requirements of a lease covenant could not be enforced by the Council.
16. I therefore conclude that the proposed development would have an unacceptable effect on the provision of family accommodation as part of the housing mix to create and maintain balanced communities. Accordingly, it would conflict with the requirements of Policy 8 of the ACS and Policies HO1 and HO2 of the LAPP, which have been summarised above.

### *Living Conditions for Future Occupiers*

17. Policy DE1 of the LAPP sets out design criteria against which planning applications will be considered. This includes whether a satisfactory level of amenity would be provided for its occupants; whether appropriate internal and external storage and convenient and efficient room layouts which are functional and fit for purpose would be provided; and whether its design would assist the collection and separation of waste arising from the development. The LAPP, through Policy DE1, requires residential developments to meet the Nationally Described Space Standards.
18. The appellant states that the proposal would provide good sized double bedrooms. Based on the Council's information, which the appellant has not disputed, the upper flat, which would have accommodation over two storeys, would meet the minimum gross internal floor area (GIA) standards for a two-bedroomed three-bed space dwelling in the Nationally Described Space Standards, set out in Table 5 of the LAPP. It would not meet the standards for a four person dwelling.
19. The GIA of the ground floor flat, which would be on one level, would be 54 square metres (m<sup>2</sup>), which would be significantly below the minimum standard of 61m<sup>2</sup> for a two bedroom three person dwelling. Together with the overall scale of the communal areas, the accommodation would result in a somewhat cramped environment for future occupants. The size standards are intended to act as a benchmark for high design quality. As a result of the shortfall in internal space, the proposal would not, in my view, provide adequate living conditions for future occupants.
20. No provision is shown on the submitted plans for the storage of waste. The Council's information identifies that each flat would need two wheelie bins (general waste and recyclables). From the submitted plans and my site visit observations, there would be limited options for storing the required bins other than to the front of the property. During my site visit, which I appreciate is a snapshot in time, I observed bins to the front of a number of the properties on Grove Road and the nearby Alderney Street which also comprises a row of terraced dwellings. There would therefore be little difference to the way bins are stored in other locations within the area. Accordingly, the location of the required bins would not, of itself, result in unacceptable living conditions for future occupants.
21. No provision is shown on the submitted plans for bicycle storage. While it may be possible to provide storage within the rear outdoor amenity area, the upper flat would not appear to have access to this space. The Council refers to a minimum bicycle storage requirement of one per dwelling. However, I have not been directed to a policy that encapsulates that requirement. While I cannot be satisfied that the proposal would provide bicycle storage for future occupants of the proposed upper flat, this would not, on its own, warrant dismissal of the appeal. However, combined with the failure to meet the overall minimum space standard, it is a further indication that the proposal would result in an unsatisfactory living environment for future occupants.
22. Despite my findings in relation to the space for bin storage, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to living space. It would therefore conflict with Policy DE1 of the LAPP, the relevant requirements of which have been summarised above.

### *Living Conditions for Neighbouring Residents*

23. The use of the property as two individual flats may result in an increase in the levels of comings and goings and therefore general noise and disturbance in the surrounding area compared to its use as a single dwelling. However, this would not be significantly different to that of a reasonably large family where there would potentially be journeys to work, school and social events. Therefore, while I understand the basis for the concerns on this matter, I am not persuaded that the noise and disturbance in the surrounding area generated by a general increase in comings and goings would be materially greater than that generated by residents occupying the property as it currently exists.
24. I note the Council's view that the flats would likely be occupied by individuals with similar socio-demographic characteristics as those in student/HMO households and that this increases the likelihood of anti-social behaviour and a poor upkeep of properties. The Council is also concerned that the lack of space for the required bin storage could harm the amenity of neighbouring residents.
25. The use of the frontage of the property for bin storage would be similar to others in the street, although I acknowledge that there would likely be a greater concentration of bins stored at the front. However, I saw no evidence around the property or the general area to indicate that there were issues of over-spilling bins or inconsiderate waste disposal, nor have I been directed to any reports or complaints to the Council's waste collection teams. I have also not been presented with complaints to the Council's enforcement or environmental health teams about anti-social behaviour. In addition, the properties in the vicinity appear to be reasonably well maintained. I am not therefore persuaded that the proposed development would give rise to the concerns identified by the Council.
26. I conclude that the proposed development would not cause unacceptable harm to the living conditions of neighbouring residents. It would therefore accord with the residential amenity requirements of Policy 10 of the ACS and Policy DE1 of the LAPP, and Policy IN2 of the LAPP which states that development proposals should not result in noise or vibration at such levels as are likely to adversely impact on health or quality of life.

### **Conclusion**

27. I have found that the proposed development would not cause unacceptable harm to the living conditions of neighbouring residents. However, the proposed development would not provide acceptable living conditions for future occupiers with regard to living space and would result in the loss of a property that is suitable for family accommodation as part of the housing mix to create and maintain balanced communities. To this extent, there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

*F Wilkinson*

INSPECTOR