



Appeal Decision

Site visit made on 18 April 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 21 June 2023

Appeal Ref: APP/Q3060/W/22/3312489

3 Pullman Road, Nottingham, Nottingham City NG2 4HF

- 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 Ruchira Talwar of Rubee Developments Ltd against the decision of Nottingham City Council.
 - The application Ref 22/01480/PFUL3, dated 20 July 2022, was refused by notice dated 3 November 2022.
 - The development is the change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4) at 3 Pullman Road, Nottingham NG2 4HF in accordance with the terms of the application, Ref 22/01480/PFUL3, dated 20 July 2022, and the plans numbered 209-00 rev. A and 209-02 rev. A.

Preliminary Matters

2. Planning application Ref 22/01480/PFUL3 concerned the change of use of the property from a dwellinghouse to a House in Multiple Occupation (HMO); there were no works proposed within the application. Whilst the appellant did not indicate on the application form that the development had been undertaken and completed, they did refer to the application as being retrospective throughout the application documents. Whilst the Council refers to the development as proposed, it indicates that the appeal property has been used as an HMO for periods of time. During my site visit it appeared as though the property was being used as an HMO rather than a dwellinghouse. I have therefore determined the appeal on the basis that the development is existing rather than proposed.

Main Issue

3. The main issue in this appeal is the effect of the development on the provision of family housing; having regard to the need to create and maintain a balanced and sustainable community.

Reasons

4. Policy HO2 of the Nottingham City, Land and Planning Policies, Development Plan Document, Local Plan Part 2 (LPP2), January 2020, informs that there is a shortage of homes throughout the city which are suitable and attractive to

families. It states that there is a presumption against the loss of dwellinghouses suitable and attractive for family occupation through, amongst other matters, the conversion to an HMO.

5. Paragraph 4.12 of the LPP2, explains, for the purposes of LPP2, family housing is likely to be no more than three storeys, have private, enclosed gardens, and have three or more bedrooms, two at least of which are capable of double occupancy.
6. The property has less than three storeys and benefits from external amenity spaces to the front and rear of the property. The front external amenity space whilst modest, is enclosed by a low boundary wall and is not a public space. The word 'private' is not defined in the LPP2. It is reasonable in this instance to assume it relates to privacy rather than ownership. In this instance, the property has two enclosed gardens; however, the front garden is not private owing to the low boundary wall.
7. The existing plan (drawing number 209-01 Revision A) shows the layout of the property when used as a dwellinghouse. Whilst this shows three bedrooms at first floor, I cannot be satisfied that at least two of these would be capable of double occupancy, in accordance with the LPP2 family housing definition. The Technical housing standards – nationally described space standard identifies that in order to provide two bedspaces, a double or twin bedroom should have a floor area of at least 11.5sqm. The floor area of each of the bedrooms is less than 11.5sqm. Whilst each of the bedrooms may be able to accommodate a double bed, from my observations on site the remaining floorspace would be very limited. In view of my observations of these rooms on site, and in the absence of any alternative standard, I conclude that the first floor bedrooms shown on the existing plan are not suitable for double occupancy.
8. I acknowledge that the low concentration of HMOs in the area could be an indicator that the appeal property and surrounding properties are attractive as family housing. Nevertheless, the appeal property is not suitable for family housing given the definition in paragraph 4.12 of the LPP2 as none of the bedrooms are suitable for double occupancy and it does not accommodate private gardens. In view of this, there is no need for the appellant to demonstrate that the development benefits from any of the exceptions set out in the criteria a) to f) of the Policy.
9. As the development does not result in the loss of a home that is suitable for families, it does not conflict with the presumption of LPP2 Policy HO2, against the loss of dwellinghouses for family occupation. The development is therefore not contrary to LPP2 Policy HO2.
10. The Council has indicated that the development does not comply with LPP2 Policy HO6 due to its conflict with LPP2 Policy HO2. However, I have concluded that the development is not contrary to LPP2 Policy HO2 for the reasons given above. The Council does not otherwise suggest that the development undermines local objectives to create or maintain sustainable, inclusive and mixed communities and I have no reason to conclude that it does.
11. I have concluded that the appeal property is not a suitable family home, as defined by LPP2. As such, the development does not conflict with LPP1 Policy 8 and its emphasis on providing family housing. It has also been indicated that there is a limited number of HMOs in the area and a prevalence of

dwellinghouses. Accordingly, the development contributes to a mix of housing tenures, types and sizes, as required by paragraph 1 of Policy 8. The Council has not indicated that the development is contrary to any other section of LPP1 Policy 8, and none are obvious to me.

12. The Council has referenced multiple appeal decisions where the proposed development has been dismissed for reasons which appear similar to those presented in this appeal. However, I have not been provided with the most pertinent details including the size of rooms which were considered capable of double occupancy. I therefore cannot draw a conclusion on their relevance to this appeal. In any event, each appeal is assessed on its own merits based on the evidence that is submitted and observations on site.
13. I conclude that the development does not have a harmful effect on the provision of family housing having regard to the need to create and maintain a balanced and sustainable community. The development therefore complies with LPP2 Policy HO6 and Policy 8 of the Greater Nottingham, Broxtowe Borough, Gedling Borough, Nottingham City, Aligned Core Strategies, Part 1 Local Plan, (LPP1) September 2014.

Other Matters

14. The appeal property is sited close to the boundary of the Old Sneinton Conservation Area. I have therefore had regard to paragraph 199 of the National Planning Policy Framework as the development affects the setting of a heritage asset. The significance of the Conservation Area includes the historic setting and pattern of residential development around Green Mill Park and Saint Stephen's Church. The development does not include external works and is for the change of use from one type of residential use to another; as such, the nature of activity on site is likely to be similar. The development has a neutral effect and therefore conserves the setting of the Conservation Area.

Conditions

15. I have included references to approve plans in the terms of my decision, in the interests of certainty.

Conclusion

16. The development complies with the development plan when considered as a whole. There are no material considerations, either individually or in combination, that indicate that my determination of this appeal should be made otherwise than in accordance with the development plan.
17. Therefore, for the reasons given above I conclude that the appeal should be allowed, and planning permission should be granted.

J Hobbs

INSPECTOR