



Appeal Decision

Site visit made on 16 May 2023

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2023

Appeal Ref: APP/J3015/W/22/3312657

33 Broadgate, Beeston, Nottinghamshire NG9 2HD

- 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 Aston Woolf against the decision of Broxtowe Borough Council.
 - The application Ref 22/00599/FUL, dated 05 July 2022, was refused by notice dated 18 October 2022.
 - The development proposed is described as change of use from C3 to C4 HMO due to article 4 direction.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would result in an over-concentration of Houses in Multiple Occupation (HMO) in the area and if so, the effect this would have on the character of the area,
 - the effect of the proposal on the living conditions of the adjoining neighbouring property, number 31, and
 - whether the proposal would have an unacceptable impact on highway safety.

Reasons

The effect of the proposal on the mix of residential properties in the area and its character

3. Policies 8, 10 and 17 of the Broxtowe Borough, Gedling Borough & Nottingham Borough Aligned Core Strategies Part 1 Local Plan, 2014, (LP Part 1), collectively require, among other things, residential development to: maintain, provide, and contribute to a mix of housing tenures, types, and sizes, to create sustainable, inclusive communities; reinforce valued local characteristics and create inclusive, healthy environments, and integrate into its surroundings. The appropriate mix will be informed by several factors, including an area's character and the need to redress the housing mix within areas where there is a concentration of student households and Houses in Multiple Occupation.
4. The Houses in Multiple Occupation Supplementary Planning Document, 2022, (SPD), provides guidance regarding the determination of applications for HMOs. To avoid concentrations of HMOs, the SPD advises against: 1) 'clustering', ie where there are more than 3 known HMOs on the same street or adjoining

street or more than 2 known HMOs positioned opposite to 2 or more known consecutive HMO properties; ii) 'sandwiching', ie where a non-HMO dwelling would be sandwiched between 2 HMOs, and iii), the number of HMOs within a radius of 100 m from the application property exceeding 20% of the number of properties that fall within the radius.

5. The evidence before me, which the appellant has not challenged, concludes that i) the percentage of HMOs within a 100 m radius of the appeal property is 23%, and ii) should the appeal property become a HMO number 35 Broadgate would be sandwiched between 2 known HMOs.
6. Consequently, the proposal would not adhere to the guidance in the SPD and would add to a situation that already comprises of a concentration of HMOs within the vicinity of the site. As such, the proposal would exacerbate an existing imbalance in the mix of residential units in the area, thereby undermining its sustainability.
7. The area is characterised by its predominantly residential nature with a mix of sites/properties in commercial and/or community use. As the proposal would add to the existing concentration of HMOs in the area, I consider it would contribute to further eroding the mixed residential character of the area.

The effect of the proposal on the living conditions of the occupiers of number 31 Broadgate

8. The property is currently a 2-storey, 2-bedroom, semi-detached C3 dwelling. The proposal would create a 3-bedroom HMO. I consider the number of people that could potentially reside in the property if the use was changed to a HMO would not be significantly different to the number of people that could live in the dwelling as it exists. Consequently, I consider the proposed change of use would not, on its own, result in levels of noise and disturbance that would be harmful to the living conditions of occupiers of the existing adjoining dwelling number 31 Broadgate. I have not been provided with any substantive evidence to suggest that the cumulative impact should a HMO be located at the proposed address in addition to others that exists, would be detrimental to the living conditions of occupiers of existing neighbouring properties in respect of noise and disturbance.

Highway safety

9. I appreciate that the potential increase in the number of adults living in the property if used as a HMO could potentially result in more residents of the property having cars, compared to the existing C3 use. However, given a) the nature of a HMO, eg a shared property aimed at either students and/or young professionals or employees on lower salaries/wages, and b) the public transport options within proximity of the site, I consider it unlikely that the proposed change of use would result in the property being occupied by an extent of car owners that would result in the proposal having an unacceptable impact on highway safety.

Conclusion and LP policies

10. Notwithstanding my conclusions regarding living conditions and highway safety, due to the effect the proposal would have on the mix of residential units in the area and its character, the proposal would not accord, on the whole, with policies 8, 10 and 17 of the LP Part 1 or guidance in the SPD.

Other Considerations, Planning Balance & Conclusion

11. The appellant points out that a Certificate of Proposed Lawful Development (the Certificate) was granted in 2021 to change the use of the C3 dwelling to a HMO. Due to unfortunate reasons, the change of use was not implemented before the Council applied an Article 4 Direction to the surrounding area removing the right to be able to change the use of C3 dwellings to small HMOs under permitted development rights. Although I empathise with the situation the appellant found himself in, as the Certificate can no longer be implemented, I attach little weight to the matter in support of the proposal.
12. The appellant contends that he engaged in pre application discussions with the Council prior to submitting the application but was not informed of the SPD. The appellant also asserts that information relating to how such proposals are assessed is not available to the public, and therefore it is not a reliable method of applying planning policies. I do not have details of what information is/isn't available to the public regarding the assessment of applications like the one of concern here. Consequently, I am not able to attribute any weight to the matter in support of the proposal. If the appellant is not satisfied with the information that is available to the public regarding applications of this type, this would be a matter for him to pursue with the Council.
13. In light of all the above, I consider there are no other considerations that would lead me to conclude other than in accordance with the development plan. For the reasons outlined, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR