



Appeal Decision

Site visit made on 31 October 2023

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th December 2023

Appeal Ref: APP/J3015/W/23/3323542

68 Salisbury Street, Beeston, Nottinghamshire NG9 2EQ

- 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 Miss Naimh Brady (Sandstone UK Property Investment Ltd.) against the decision of Broxtowe Borough Council.
 - The application Ref 22/00582/FUL, dated 15 July 2022, was refused by notice dated 6 April 2023.
 - The development proposed is change of use from C3 to 4 bed HMO class C4.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) whether the proposal would result in an over-concentration of Houses in Multiple Occupation (HMO) in the area, and if so, the effect that this would have on the character of the area; and
 - b) the effect of the proposal on the living conditions of residents of the immediate adjacent neighbouring property.

Reasons

Character of the area

3. Policy 8 of the Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategy 2014 (CS) requires residential development to maintain, provide and contribute to a mix of housing tenures and types to create sustainable inclusive communities and reinforce valued local characteristics. The appropriate mix will be informed by several factors, including an area's character and the need to redress the housing mix where there is a concentration of student houses and HMOs. The supporting text of Policy 8 highlights that the number of students attending local universities has increased considerably in recent years. The resultant increase in HMOs has altered the residential profile of some neighbourhoods dramatically, leading to unsustainable communities and associated amenity issues.
4. An Article 4 Direction is in force within the Beeston area where the appeal site is located, removing permitted development rights that allow a change of use for a dwelling house to a small HMO for use by up to 6 individuals.
5. The Houses in Multiple Occupation Supplementary Planning document 2022 (SPD) aims to ensure that the demand for HMO accommodation can be met

across the Article 4 Area in a way that does not lead to adverse impacts on the community cohesion and character of the area through a saturation of a single type of home. To achieve this aim, it provides guidance regarding the determination of applications for HMOs within Article 4 areas. To avoid over concentrations of HMOs the SPD advises against 'clustering' - where there are more than 3 known HMOs on the same street or more than 2 consecutive HMOs positioned opposite to 2 or more known consecutive HMO properties; 'sandwiching' - where a non HMO dwelling would effectively be sandwiched between 2 HMOs either adjacently to, or to the front and rear; and the 'radius approach' - where the number of HMOs within a radius of 100m from the application property exceed 20% of the number of properties that fall within the radius.

6. The evidence before me indicates that the percentage of HMOs within a 100m radius of the appeal property is 32.5%. Furthermore, should the appeal property become a HMO, this would lead to number 20 Pelham Crescent, the property to the rear of the appeal site, being sandwiched by HMOs to its front and rear.
7. The appeal site would be located in a row of 4 existing HMOs. There are already 16 licensed HMOs and 8 non-licensed HMOs on the street. The proposal would not adhere to the guidance in the SPD, and would increase the intensity of an already over concentrated area of HMOs. Although HMOs can add to the housing mix of an area and play an important role in providing accommodation to a range of individuals, I consider that in this instance the proposal would exacerbate the imbalance in the mix of residential types in the area, add to the existing over-concentration of HMOs in the locality, and would contribute to further eroding the traditional residential character of the area.
8. I conclude that the proposal would result in an over-concentration of HMOs in the area and that this would harm the character of the area. The proposal would conflict with Policy 8 of the CS. The proposal would also conflict with guidance in the SPD and the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character.

Living conditions

9. The SPD highlights that an over-concentration of HMOs can lead to harmful impacts on residential amenity such as parking issues, noise issues and anti-social behaviour.
10. The proposal would be for a semi-detached 4-bedroomed HMO, and it is unlikely that this would lead to a significantly greater number of occupants than would be the case were the property to remain as a family dwelling. As such, I do not consider that the proposed change of use would result in an over intensification of the site. The properties immediately adjacent to the appeal site are already HMOs, and as the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it as the proposed HMO, I do not consider that the change to a HMO would be likely to materially affect the living conditions of the immediate adjacent neighbouring property directly.
11. Furthermore, I have not been provided with any substantive evidence that the cumulative impact of permitting a further HMO at the appeal site would be

harmful to the living conditions experienced by residents of the immediate adjacent neighbouring property in relation to noise, disturbance and social issues. The Council consider that the car ownership associated with the appeal property is likely to be low, and I noted from my site visit that the property was close to local facilities and public transport links. There is also a parking space at the property, as well as opportunities for on-street parking. The proposal would therefore be unlikely to lead to unacceptable parking issues.

12. Overall I am satisfied that the proposal would not harm the living conditions of residents of the immediate adjacent neighbouring property. The proposed development would comply with Policy 10 of the CS that highlights that development will be assessed in terms of treatment of the impact of amenity of neighbouring residents and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2019 which seeks to ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring property. It would also comply with guidance within the SPD which seeks to address, prevent and mitigate impacts on amenity, and the Framework, which seeks to ensure that development proposals create places with a good level of amenity for existing users.

Other Matters

13. A Certificate of Proposed Lawful Use was granted in 2021 for the change of use from residential (C3) to a 4-bedroomed HMO. The appellant has pointed out that due to the purchase of the house taking longer than anticipated, the change of use could not be implemented before the Council applied the Article 4 Direction in March 2022, requiring full planning permission to be sought to change the use of C3 dwellings to small HMOs. The appellant has stressed that the house was bought with the intention of using it as an HMO, which the market has shown are in high demand in the area. Whilst I empathise with the appellant's situation, as the Certificate can no longer be implemented, I have determined the appeal under the current policy context, and as such attach minimal weight to this matter.

Conclusion

14. Whilst the proposal would not cause harm to the living conditions of the immediately adjacent neighbouring property this does not outweigh the harm that would be caused to the character of the area by an over concentration of HMOs. Accordingly the proposal would conflict with the development plan when taken as a whole and there are no material considerations which would indicate a decision other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is dismissed.

L C Hughes

INSPECTOR