



Appeal Decision

Site visit made on 21 November 2023

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/J3015/W/23/3323289

3 Pelham Crescent, Beeston, Nottingham NG9 2ER

- 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 David So of So Navita Properties Ltd against the decision of Broxtowe Borough Council.
 - The application Ref 23/00049/FUL, dated 18 January 2023, was refused by notice dated 24 March 2023.
 - The development proposed is described as "Change of use from HMO within Use Class C4 to a sui generis 7 bed HMO".
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from HMO within Use Class C4 to a sui generis 7 bed HMO at 3 Pelham Crescent, Beeston, Nottingham NG9 2ER in accordance with the terms of the application, Ref 23/00049/FUL, dated 18 January 2023, and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin no later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plan: Dwg 353.03E Proposed Plans.

Preliminary Matters

2. Based on the evidence submitted the appeal site is located in an area covered by an Article 4 Direction. This has the effect of requiring planning permission to be obtained for a change of use from a dwellinghouse to a small House of Multiple Occupation (HMO) for use by up to 6 individuals (Class C3 to C4), which would otherwise be covered by "permitted development" rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As the proposal relates to a 7-bed HMO the Article 4 Direction is not applicable to the appeal before me.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023, replacing the version published 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

4. The main issues are:

- i) the effect of the proposed development upon the character and appearance of the area, in terms of the mix and balance of housing in the area; and
- ii) the effect on the living conditions of existing occupiers, by reason of noise and disturbance.

Reasons

Character and appearance

- 5. The appeal site comprises a two-storey semi-detached property, with a single storey extension and dormer window in the rear roof space. The property has a rear garden and area of hardstanding to its frontage, providing a vehicle parking space. The area surrounding the appeal site is residential with two-storey, semi-detached or terraced properties set back from the pavement edge with spacious rear gardens.
- 6. The site lies within an area covered by an Article 4 Direction seeking to retain family housing. The Council's development plan policies seek to secure a balanced mix of dwelling types and to avoid the over-concentration of HMO's in some neighbourhoods, including clusters and 'sandwiching' of existing dwellings between HMO's. The Council's Supplementary Planning Document: Houses in Multiple Occupation (SPD) sets out that if the HMO quantity exceeds 20% relative to the total number of properties within a 100m radius that it could make community cohesion difficult.
- 7. At my site visit it was not possible to see how many properties were HMO's due to their visual appearance not being dissimilar to a dwellinghouse. However, the evidence before me, including radius maps, indicates that there are a number of HMO's along Pelham Crescent and in neighbouring streets.
- 8. Notwithstanding the above, based on the evidence before me, the appeal property has an established use as a 6-bed HMO. The proposal would provide 1no. additional bedroom and would not result in the loss of a family home. Furthermore, as an established HMO the proposal would not introduce the 'sandwiching' of a dwelling. Accordingly, the proposal would not affect the percentage of properties used as an HMO and would not unbalance the housing mix in the locality.
- 9. No external alterations are proposed to the property to facilitate the change of use. Given the limited scale of the proposal, an additional bedroom would not result in a significant material increase in activity at the property that would adversely change its character and appearance.
- 10. I note concerns regarding visual degradation through the presence of refuse bins to the front of the property and the potential for gardens not being maintained. I observed there to be adequate space for refuse storage within the garden of the appeal property and the site frontage hard surfaced. Furthermore, I have no substantive evidence to suggest that the proposal before me would give rise to such actions and these concerns would relate to the behaviour of individuals, and so carry limited weight.

11. For the reasons given above, I conclude that the development would not adversely harm the character and appearance of the area, in terms of the mix and balance of housing in the area. Accordingly, I find no conflict with Policies 8 and 10 of the Greater Nottingham Broxtowe Borough Aligned Core Strategies Part 1 Local Plan Adopted 2014 (CS). This states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. Nor do I find conflict with Policy 17 of the Broxtowe Borough Part 2 Local Plan Adopted 2019 (LP), which states that developments of market and affordable housing should provide an appropriate mix of house size, type, tenure and density to ensure that the needs of the residents of all parts of the Borough, and all age groups are met. I also find no conflict with the requirements set out in the SPD or the Framework, which seek, amongst other things, to create neighbourhoods of choice, ensuring development has regard to the character of the surrounding area and the size, type and tenure of housing need is considered.

Living Conditions

12. The appeal site lies within a relatively dense suburban area close to busy main roads. The occupiers of an HMO are likely to lead independent lives from one another. However, taking account of the size of the appeal proposal, the activity generated by one additional room would not lead to a marked and intensive level of activity over and above a 6-bed HMO.
13. Dwellings along Pelham Crescent are set back from the highway with associated garden areas. I noted that the entry to the appeal property is away from the adjoining property and the neighbouring property to the north-west is separated by way of a driveway in between the buildings. These factors would lessen the effect of comings and goings to the property.
14. I have limited evidence that the existing HMO has been the cause of complaints related to noise and disturbance. Moreover, this would relate to the behaviour of individuals, and accordingly these concerns carry limited weight.
15. I therefore conclude that the proposed development would not have an adverse effect on the living conditions of the occupiers of neighbouring properties. The proposal therefore accords with Policies 8 and 10 of the CS which collectively seek to protect the amenity of nearby residents or occupiers and create sustainable, inclusive and mixed communities. I also find no conflict with Policy 17 of the LP or the Framework which seeks to ensure a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

Other Matters

16. Third parties have raised concerns about parked vehicles and their impact on traffic flow, property standards in terms of size and amenity and drainage. The Council has not raised any concerns within their reasons for refusal regarding these matters. Based on the evidence before me I have no reason to disagree.
17. The external condition of the existing dormer window to the property is not subject to the appeal before me.
18. My attention has been drawn to an appeal at a nearby property¹. However, this appeal is in progress and remains undetermined. From the limited information

¹ APP/J3015/W/23/3323542 68 Salisbury Street, Beeston

available to me I am satisfied that the nature of the development differs from the appeal before me. In any event, I have determined the appeal on its own merits.

Conditions

19. I have imposed the standard time limit and a condition specifying the approved drawings as this provides certainty.

Conclusion

20. For the reasons given above the proposal accords with the development plan as a whole and the appeal is allowed.

R Gee

INSPECTOR