



Appeal Decision

Site visit made on 14 May 2024

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 24 May 2024

Appeal Ref: APP/Q3060/W/23/3327807

25 Forest Road East, Arboretum, Nottingham, NG1 4HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs H Asghar against the decision of Nottingham City Council.
 - The application Ref is 23/01096/PFUL3.
 - The development proposed is rear extension to ground and first floor with change of use of upper floors to a House in Multiple Occupation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the balance and sustainability of the community, having regard to the level of student housing and its effect on the residential amenity of the area.

Reasons

Balanced, sustainable community and amenity

3. 25 Forest Road East is an end terrace property. The property has been granted planning permission for a two storey rear extension and subdivision of the building to create two commercial units. This extension has not yet been built. The appeal proposal seeks permission for the same extension, but with the ground floor as a commercial unit and the first floor and roof space above used as a three bedroom house in multiple occupation (HMO). When I visited the building appeared empty and ground works were being carried out in the rear garden.
4. The development plan includes the Greater Nottingham Aligned Core Strategies (ACS) adopted in 2014 and the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 ('LAPP') adopted in 2020. Policy 8 of the ACS outlines the general approach to residential development and seeks an appropriate mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. The provision of family housing is emphasised and the appropriate mix of housing is to be informed by, amongst other matters, the need to redress the housing mix within areas where there is a concentration of student households. Policy HO6 of the LAPP only supports HMOs where it would not conflict with the primary focus of providing more family housing, and does not undermine the creation or maintenance of sustainable, inclusive and mixed communities.
5. The policy approach that has been adopted is because HMOs are used differently to single family dwellings with occupants living separately whilst

sharing common areas such as the kitchen and communal dining / living spaces. This manifests itself as greater comings and goings and more intensive use of the property and especially rooms used as bedrooms which are the occupants' sole private space. The net result is that HMOs generate more noise and disturbance than houses occupied by a single household. The occupants of HMOs are also more likely not to see themselves as part of the existing local community and such properties are associated with poor waste management and poor standards of maintenance. High concentration of HMOs can also make some services, such as local schools, becoming unsustainable.

6. Policy HO6 2 identifies criteria against which the extent to which development would prejudice the creation and maintenance of balanced communities will be assessed. These criteria include whether the existing proportion of HMOs/student households in an area amounts to a 'Significant Concentration'. The justified reasoning to this policy explains that where such a concentration exists planning permission will not usually be granted for further HMOs.
7. Appendix 6 to the LAPP defines a 'Significant Concentration' as HMOs/student households constituting more than 10% of households in an area. As the locality of No 25 has an average HMOs/student concentration of 28%, and the average concentration in surrounding areas is 47%, it is located in an area where a 'Significant Concentration' of HMOs/student households exists.
8. In determining whether an exception to the approach of refusing consent for HMOs in an area of 'Significant Concentrations' should be made, the other criteria referred to in policy HO6 2, and the matters identified in paragraph 4.61 of the justified reasoning to this policy, need to be considered.
9. When judged against these criteria, there are two obvious areas of concern. Firstly, for the reasons given in paragraph 5 above, the location of the appeal property on a street and in an area where visual cues relating to refuse bins, poor property condition, and the apparent use of ground floor front rooms as bedrooms, indicates that there appears to be a large number of HMOs. In the absence of any submitted evidence to the contrary regarding this matter, it is reasonable to assume that the proposal in adding to the number of HMOs would therefore increase the likelihood of harm to the residential character and amenity of the area, as well as the living conditions of neighbours.
10. Secondly, the absence of private amenity space on the site. In the absence of any substantive submitted evidence to the contrary, I find that this would mean that the proposed development would provide unsatisfactory living conditions for future occupiers of the proposed HMO.
11. It is stated that little interest has been shown in the commercial use of the property above ground floor level, and that the use of the upper floors as a HMO would allow the full building to be brought back into use. It is also stated that the provision of a flat, rather than a HMO, would not be viable and that without the proposed development the building may remain empty. However, in the absence of details regarding the marketing that has taken place of the property and a viability assessment, I attach little weight to these considerations in favour of the appeal. Reference to the government seeking additional housing has been made. However, no evidence has been provided that Nottingham has a shortage of HMOs.
12. Taking all these matters into account, I find that the proposed scheme in further increasing HMOs in the area would exacerbate the apparent high

percentage of such households and cause material harm to living conditions and the social mix and fabric of the area.

13. The points put forward in favour of the appeal, namely the unsuccessful marketing of the property, concerns regarding viability, the provision of on-site parking and need for additional housing are insufficient to outweigh the harm that would be caused.
14. I therefore conclude that the proposed development would prejudice the creation and maintenance of a balanced community, contrary to policies 8 and 10 of the ACS and policies DE1 and HO6 of the LAPP. Policy 10 of the ACS and policy DE1 of the LAPP seek design which, amongst other matters, creates attractive environments and protects the living conditions of neighbours and nearby residents.

Other Matters

15. The appeal site is located within the Arboretum Conservation Area whose significance, it appears to me, is historical and architectural. A two storey rear extension to the property and on-site parking in relation to the commercial use of the building has previously been found to be acceptable by the Council in relation to its effect on the Conservation Area. I have no reason to disagree with that assessment. The absence of harm in this regard though is a matter of neutral rather than positive weight in favour of the appeal.

Conclusion

16. For the reasons set out above, I therefore conclude that the appeal would be contrary to the development plan and that the considerations put forward in favour of the appeal do not outweigh this conflict and the harm that would be caused. The appeal should therefore be dismissed.

Ian Radcliffe

Inspector