



Appeal Decision

Site visit made on 22 May 2024

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 JUNE 2024

Appeal Ref: APP/Q3060/W/23/3333587

275 Radford Boulevard, Nottingham NG7 5QJ

- 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 Mr Kabir Hussain against the decision of Nottingham City Council.
 - The application reference is 22/01233/PFUL3.
 - The development proposed was originally described as 'change of use from C3 to C4 6 beds HMO.'
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Decision

1. The appeal is allowed and planning permission is granted for change of use from a dwellinghouse (Use Class C3) to a 6-bed house in multiple occupation (Use Class C4) at 275 Radford Boulevard, Nottingham NG7 5QJ, in accordance with the terms of the application, Ref 22/01233/PFUL3, and the plans Drwg 01, Drwg 02 and Drwg 03 submitted with it.

Procedural Matters

2. The application form indicates that the change of use has already been carried out on the site. Thus, I have considered the appeal on a retrospective basis.
3. I have also amended the description in the formal decision above to fully describe the change of use and use classes involved, for clarity and precision.

Main Issues

4. The main issues are the i) effect of the change of use on the creation and maintenance of a balanced community; and ii) the effect on the living conditions of neighbouring occupants, with respect to noise and disturbance.

Reasons

Balanced Community

5. Policy 8 of the Aligned Core Strategies Part 1 Local Plan (September 2014) (the ACS) seeks a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, with an emphasis on providing family housing, including larger family housing, to address a lower than the national average stock of such accommodation. Point 4 states that the appropriate mix of housing will be informed by several indicators, including the need to redress the housing mix within areas of concentration of student households and houses in multiple occupation (HMOs).
6. This approach is further advocated through Policy HO1 of the Land and Planning Policies Development Plan Document (January 2020) (the LAPP).

Policy HO2 presumes against the loss of dwellinghouses (Class C3) unless certain criteria are met, one of which is where it is shown that the property is no longer suitable for family occupation. Policy HO6 reinforces the need for proposals to accord with Policies HO1 and HO2, adding among other criteria that consideration will be given to the existing proportion of HMOs and/or student households in the area and whether this amounts to a 'significant concentration' using the stated methodology.

7. No 275 is a terraced building with a sizeable amount of internal space, including four upstairs bedrooms, which could theoretically accommodate a large family of five, six or even more. However, it has a very limited amount of private external space to the rear due to the presence of a rear extension. This is contrary to the LAPP which defines 'family housing' as likely to have 'private enclosed gardens.' It is also located on a busy main road with only on-street parking available. These factors would not be conducive to family accommodation, particularly larger families, for whom off-street parking and a secure external space for children to play and store possessions would be important considerations.
8. Moreover, a balanced community will contain a range of accommodation types to meet the needs of different people, including single person households, young professionals and students. That balance may not always be the same across the city. An inner urban location such as the appeal site, with good access to places of work and education, amenities and services, is likely to be more suitable for those seeking accommodation that is both more affordable and more flexible to meet their needs, and less appealing to families seeking space, parking and a quieter environment.
9. Part 2(a) of Policy HO6 states that regard will be had to the existing proportion of HMOs and/or other student households in the area and whether this proportion amounts or will amount to a 'Significant Concentration', which is defined in the supporting text as 10%.
10. The Council sets out that the concentration in this case is 15.4% in the output area within which the appeal site is located, and 18.4% for all surrounding output areas. However, the Council's evidence does not elaborate on the geographical extent of the output area or overall number of dwellings within it. Therefore, it is not possible to establish the degree to which the appeal scheme changes these figures.
11. This aside, the policy wording that '*regard will be had*' to the concentration of HMOs does not automatically mean that any exceedance of the 10% figure will mean a proposal is unsuitable. Indeed, part 2(c) also requires that regard be had to any evidence of existing HMOs within the immediate vicinity that already impact on local character and amenity.
12. I recognise that over-concentration of populations who are not invested in the local community for the long term has the potential to cause unwanted outcomes, such as demand for local schools declining or lack of upkeep of properties. However, there is no further evidence from the Council that the existence of HMOs within the area has led to an imbalance in the makeup of the community or led to other adverse effects on local character. A concentration of some 15 to 18% is still a small percentage of the overall housing stock and the lack of specific evidence of the impacts of this concentration means I am not persuaded that the mathematical threshold of

Policy HO6 being exceeded is sufficient by itself to demonstrate that a harmful imbalance exists in terms of the types of accommodation and tenure in the area, or that the change of use of a single property would materially worsen the situation.

13. For these reasons, I conclude that the change of use does not result in demonstrable harm to the mix of housing in the area, and no conflict therefore arises with Policies 8, HO1, HO2 or HO6.

Neighbours' Living Conditions

14. The Council expresses concern that HMOs, particularly where occupied by students, are by their nature different from family homes, with more comings and goings, more intensive use due to the number of occupants and a resulting increased risk of noise and anti-social behaviour. These concerns are expressed in the supporting text to Policy HO6.
15. However, it is not enough to simply express concern in such general terms as the Council has. Despite arguing that the concentration of HMOs was already 'significant,' I have no evidence of specific adverse impacts arising for residents in the immediate area. Indeed, the use of the property as an HMO is indicated to have taken place since 2021, but the Council has provided no evidence of noise or anti-social behaviour incidents by occupants since that time, nor any evidence to suggest such outcomes are likely. I also saw no specific issues with the upkeep of the building or its general levels of tidiness.
16. An HMO is also not guaranteed to be a student household where stereotypical revelry is to be expected. My own observations of the appeal property were that it was occupied by single individuals with their own rooms living largely independently of one another in a quiet environment. The Council points to the use of ground floor reception rooms as additional bedrooms as 'intensification' of the use, but the converse of this is that the layout no longer includes large, communal living spaces that would be conducive to entertaining. Rather, the layout reinforces the mainly separate nature of the living arrangements, with the exception of cooking and washing facilities. Such environments will also naturally involve an element of self-policing between tenants where noise or unsociable activity is concerned.
17. Moreover, the size of the property means it could accommodate a large family of six or more occupants. There is simply no substantive evidence that the use as an HMO would be materially more harmful in terms of noise generation or other forms of disturbance. It is also a factor that neighbours will have a tolerance for a certain level of noise given the appeal property is located in a busy urban environment with activity throughout the day and night.
18. The Council also refers to the potential for occupants of the HMO to own vehicles and increase parking pressure in the area. Firstly, I have no data before me in respect of typical levels of car ownership by HMO tenants, but given such accommodation is at the lower end of the market in terms of cost, it is reasonable to consider that car ownership would be no greater than that of owner/occupiers of single family dwellings. Secondly, there is no evidence before me of parking pressure in the area being at unsustainable levels. Thirdly, the site is also close to several bus routes and facilities on Alfreton Road and a retail park immediately to the south. Such accessibility is likely to

reduce the overall level of need for a private car by occupants of the HMO. As such, I find there is no persuasive evidence of harm arising in this respect.

19. For these reasons, I conclude that the use of the building as an HMO does not give rise to unacceptable noise or disturbance that would materially harm the living conditions of neighbouring occupants. No conflict therefore arises with Policy 10 of the ACS or Policies DE1, HO6, TR1 and IN2 of the LAPP, which together require new development to have regard to neighbours' living conditions including with respect to noise and parking impacts.

Conditions

20. No conditions have been suggested by the Council. As the change of use has occurred, a time limit on the commencement of the development is not required. Nor is it necessary to restrict the number of occupants as this is inherent in the Class C4 use for which permission is being granted. The evidence before me does not indicate any other conditions are necessary.

Conclusion

21. I conclude that the appeal scheme accords with the development plan, taken as a whole, and there are no material considerations which indicate that permission should nevertheless be withheld. Therefore, the appeal should be allowed.

K Savage

INSPECTOR