



Appeal Decision

Site visit made on 10 July 2024

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal A Ref: APP/Q3060/W/24/3341320

75 Colwick Road, Nottingham NG2 4AL

- 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 M Sheikh against the decision of Nottingham City Council.
 - The application Ref is 22/01580/PFUL3.
 - The development proposed is change of use of 2 No. flats to 7 bedroom HMO with rear ground and first floor extension.
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Appeal B Ref: APP/Q3060/W/24/3341330

77 Colwick Road, Nottingham NG2 4AL

- 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 M Sheikh against the decision of Nottingham City Council.
 - The application Ref is 22/01578/PFUL3.
 - The development proposed is change of use of 2 flats to 1 No. 7 bedroom HMO with ground and first floor extension.
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Decisions

1. Appeal A is allowed and planning permission is granted for change of use of 2 No. flats to 7 bedroom HMO with rear ground and first floor extension at 75 Colwick Road, Nottingham NG2 4AL in accordance with the terms of the application, Ref 22/01580/PFUL3, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing number AR-PL-0002 Rev B.
 - 3) Prior to first occupation, the walls and roof of the extension and new ground floor front elevation shall be constructed of bricks and roof tiles of a colour, size, texture and pattern/bond to match those used in the existing building.
 - 4) Prior to commencement of the dormer window, details of the proposed external cladding shall be submitted to the Local Planning Authority for approval. Prior to first occupation, the exterior of the dormer shall be clad in accordance with the approved details.
2. Appeal B is allowed and planning permission is granted for change of use of 2 flats to 1 No. 7 bedroom HMO with ground and first floor extension at 77

Colwick Road, Nottingham NG2 4AL in accordance with the terms of the application, Ref 22/01578/PFUL3, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing number AR-PL-0004 Rev 1.
- 3) Prior to first occupation, the walls and roof of the extension and new ground floor front elevation shall be constructed of bricks and roof tiles of a colour, size, texture and pattern/bond to match those used in the existing building.
- 4) Prior to commencement of the dormer window, details of the proposed external cladding shall be submitted to the Local Planning Authority for approval. Prior to first occupation, the exterior of the dormer shall be clad in accordance with the approved details.

Preliminary Matter

3. As set out in the banner headings above, this decision letter relates to two appeals on adjacent sites. Whilst both proposals relate to development of a similar nature, I have determined each proposal on its individual merits. Both applications were refused by the Council for the same reason. Therefore, in the interests of conciseness and to avoid duplication I have dealt with the issues common to both appeals together.

Main Issue

4. The main issue is the effect of the proposed developments on the living conditions of the occupants of neighbouring properties, with particular regard to noise, disturbance and parking stress.

Reasons

5. Both appeal sites comprise three storey terraced properties located on Colwick Road, No 75 being mid terrace and No 77 being end of terrace. They are both currently sub-divided into two flats resulting in a total of four flats across both properties.
6. Adjacent at 71-73 Colwick Road, within the same terrace as the appeal sites is a shop unit at ground floor with flats above. The adjacent shop was operational at the time of my site visit. To the side of No 77 is a driveway which separates the appeal site from the neighbouring dwellings to the east, which appear as two pairs of semi-detached dwellings. Beyond the neighbouring dwellings to the east is a church. On the opposite side of the road is a supermarket and beauty business with two dwellings located in between. The wider area is residential in character, with pockets of commercial and community uses.
7. The proposal for two adjacent properties to change from four flats to two Houses in Multiple Occupation (HMO) with 7 bedrooms each would inevitably result in more people coming and going compared with the existing use. However, this does not necessarily mean that HMOs here would be harmful. The Council does not identify particular harmful effects from this intensification to any specific property in the area that would result from the proposal.

8. Colwick Road is a relatively busy road. The area around the appeal site is mixed with commercial and residential uses. Whilst only a snapshot in time, during my site visit, I witnessed a number of people walking along Colwick Road, in front of the appeal sites. It appeared that the area was relatively busy with both pedestrian and vehicular movements.
9. The neighbouring property to the east is a pair of semi-detached properties, that are physically detached from No 77 with a driveway separating them. The shop unit adjacent to the west within the same terrace as the appeal properties has no pedestrian access into the front elevation near to the main entrance into No 75.
10. The main front entrances proposed into No 75 and No 77 are at either end of the frontage with windows proposed in between. Consequently, due to the separation between neighbour's entrances and the existing general character of the area, future occupants of the proposed HMOs utilising the front main entrances would not be likely to generate a level of noise or disturbance that would be unacceptably harmful to neighbouring occupiers.
11. The proposal includes a rear yard that would serve the occupants of both No 75 and No 77. It would be accessed from a rear alleyway from Lord Nelson Street. The side elevation of 61 Lord Nelson Street which runs alongside the initial section of the alleyway is blank with no windows and a wall and fence continues to provide screening to the rear garden area serving this property. A boundary treatment also runs along part of the southern boundary of the alleyway.
12. Given main front entrances are proposed for both No 75 and No 77 off Colwick Road it is reasonable to assume that the access through the rear yard area will not be used as a main entrance point. It is likely that it will be used when the bins need putting out for collection and by those using the proposed cycle storage facility.
13. The yard area would be contained between the proposed rear extensions and is limited in size, such that it would perform as a more functional outdoor space for storage rather than as a space for socialising. A rear boundary treatment is proposed along the alleyway to the north, separating and screening it from other users of the alleyway and the neighbouring garden areas.
14. Concerns are raised about the additional demand for on street parking that would be created as a result of the proposals and the effect that this would have on neighbouring amenities. Parking on Colwick Road directly outside the appeal properties on both sides of the road is unrestricted as is parking further west along Colwick Road and along Lord Nelson Street and Hutton Street within the vicinity of the appeal sites. Whilst only a snapshot in time, during my site visit, there were a number of vacant on street parking spaces available. Whilst I appreciate this situation may be different in the evenings or weekends, there is no substantive evidence that there is parking stress in the area and that people would not be able to park near to where they live.
15. In addition, it is a short walk from the appeal properties to the bus stops which provide a regular bus service to and from the city centre. It is also possible to walk to a range of services and facilities available within the local area meaning that it would not be a necessity for someone living at either of the appeal properties to use a car to access day to day needs.

16. The Council has raised concerns about the general nature of HMOs including the turnover of tenants, antisocial behaviour, maintenance of properties, and the management of waste disposal. However, no clear evidence has been provided to demonstrate that such issues would arise from the proposals before me.
17. I acknowledge that the Community Protection Enforcement Officer responded to the applications stating that there have been fly tipping issues in the area and that the landlord of No 77 has been contacted previously to advise on waste management issues. Nevertheless, the proposal includes provision for bin storage. No concerns relating to the amount or location of bin storage are raised by the Council.
18. The Council also state that the absence of residents outside of term time also effects amenity with regard to student accommodation. However, the appellant asserts that the appeal properties are not in close proximity to either of the universities in Nottingham, nor do they benefit from direct public transport links to these academic institutions. It is identified that the proposed accommodation is aimed at young professionals or migrant workers who are in or seeking employment in the city centre which is in easy reach of the appeal properties. Given the location of the appeal sites I find they would be better connected to the city centre and employment opportunities than the universities.
19. I conclude, based on the evidence before me, that it is unlikely that the proposals would result in unacceptable harm to the living conditions of the occupants of neighbouring properties, with particular regard to noise, disturbance and parking stress. The proposals would therefore comply with Policy 10 of LP1 and Policies HO6 and DE1 of LP2 which seek, amongst other things, that a satisfactory level of amenity would be provided for occupiers of the development and/or occupiers of neighbouring properties including in relation to issues of noise and nuisance.
20. The proposals would also comply with Policies DE2, IN2 and TR1 of LP2 which seek, amongst other things, that developments do not generate levels of on street parking which would have a detrimental impact on the amenity of local occupiers and that proposals are not likely to adversely impact on health or quality of life. Whilst these policies were not included in the Council's reasons for refusal, they are identified in both of the Delegated Reports.

Other Matters

21. I note the Council are currently considering an application for extensions and change of use of a nearby property to form a 30 bed HMO and that this is yet to be determined. Be that as it may, I must determine the appeals before me on their individual merits.
22. An interested party has objected to the proposed works to the front elevation which includes the replacement of the shopfronts at both appeal properties, in relation to issues of character and appearance. Given the significant changes that have already been carried out to the wider terrace with the insertion of shopfronts, I do not find that the scheme to change the front elevations at ground floor level in the manner proposed would be harmful to the character and appearance of the terrace or the area.

23. The Council does not object to the rear extensions proposed at either appeal property. Based on the evidence before me I can see no reason to disagree.

Conditions

24. The Council has suggested a number of conditions which I have considered against the tests set out in the National Planning Policy Framework and Planning Practice Guidance. In some instances, I have made minor changes to wording to improve precision. In addition to the standard time limit, a condition specifying the plans is necessary in the interests of certainty. Conditions relating to materials to be used in the proposed works are required in the interests of the character and appearance of the area.

25. An interested party has suggested that further provision for cycle parking should be required by condition. However, the Council has stated that due to the limited external space, further requirements in this regard would be difficult to provide. I agree with the Council on this point and do not consider it necessary or reasonable to impose such a condition.

Conclusion

26. For the above reasons, and having had regard to all other matters raised, the proposals would comply with the development plan taken as a whole and material considerations do not indicate a decision should be made other than in accordance with the development plan. I therefore conclude that both appeals should be allowed subject to conditions.

G Dring

INSPECTOR