



Appeal Decision

Site visit made on 14 August 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2024

Appeal Ref: APP/Q3060/W/24/3341759

153 Gregory Boulevard, Nottingham NG7 5JH

- 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 Nick Brad of UK Property and Investment Ltd against the decision of Nottingham City Council.
 - The application Ref is 23/01459/PFUL3.
 - The development is described as: *proposed conversion of existing dwelling (5 bedrooms house) with associated internal alterations at 153 Gregory Boulevard NG7 5JH into Ground floor 1-bedroom self-contained unit, First floor 1 bedroom self-contained unit, Second floor 1 bedroom self-contained unit and in the Loft a studio self-contained units. Rear extension under permitted development previously done under ref 23/00632 from Building regs.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that works or the change of use has not started. During my site visit, I saw that works appeared to have been undertaken, the property sub-divided and furniture fitted. It did not appear to be occupied. The first floor flat had been laid out with 2 bedrooms, but I have assessed the appeal as a 1 bedroom flat, as shown on Drawing Number: PR-07. This drawing displays this unit as a 1-bedroom flat, with a kitchen and separate living room. The Design and Access Statement also notes that each unit is a 1-bedroom or studio flat.

Main Issues

3. The main issues are:
 - The effect of the development on the supply of family housing;
 - Whether it would provide acceptable living conditions for its future occupiers, with particular regard to internal floor space; and,
 - The effect on the development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

The supply of family housing

4. The property is situated in a terraced row, in a busy location in the centre of Nottingham, with both residential and commercial uses evident in the area. Properties in this terraced row are three stories high and feature large bay

window details. The appellant states that the property has previously been used as a House in Multiple Occupation (HMO) with five bedrooms which could have accommodated up to ten people. The Council believe that this is a family dwelling. This presents a disagreement as to the lawful use of the building. It is not the role of this appeal to determine the lawful use of the property. However, it was clearly built for use as a single dwellinghouse, and I have been presented with no evidence which demonstrates its lawful use as a HMO, such as a planning permission or a certificate of lawfulness. For the purposes of this appeal, I have therefore assumed it to be a single dwellinghouse.

5. Policy 8 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014 (ACS) states that within the city, there should be an emphasis on the provision of family housing, with an emphasis on flats of two or more bedrooms to diversify the existing mix. Policy HO1 point 3 of the DPD promotes that the mix of housing in the city centre should address the need to diversify the housing stock, with innovative family housing sought as part of the overall housing mix. Policy HO2 of the DPD notes that in order to address the shortage of family homes throughout the city, there will be a presumption against the loss of dwelling houses for family occupation. It further states that this loss may be through either sub-division, conversion to Use Class C4, conversion to non-residential uses or demolition and redevelopment. The proposed development, which consists of studio or 1-bedroom units, conflicts with this policy.
6. In assessment of Policy HO2, the evidence before me does not indicate that any of the exceptions listed in Policy HO2 are met. The location of the appeal building is not within a site allocation, the proposal does not fulfil other regeneration aspirations, there is no persuasive evidence of need and demand that suggests that an alternative mix is appropriate, nor would it meet other housing priorities. The evidence does not demonstrate that the property is no longer suitable for family occupation either.
7. In assessment of these exceptions, in particular point e) of Policy HO2, the term 'Main Town Centre Uses' is not defined in the policy. The National Planning Policy Framework (the Framework) however defines this term as retail development, leisure, entertainment and more intensive sport and recreation uses, offices, arts, culture and tourism development. As such, the development would not correlate to these uses and therefore, would be contrary to the exceptions listed in Policy HO2.
8. To conclude on this matter, the development would conflict with Policy 8 of the ACS and Policies HO1 and HO2 of the DPD. The development would result in the loss of family housing, and I find that the development would not comply with the exceptions listed in Policy HO2.

Living conditions of future occupiers

9. It is not clear if each flat would be for one or two people. As such, in my assessment of this matter, I have considered the occupancy of both one and two people.
10. I have had regard to the room layouts and their floorspace as set out on the proposed application plans. The flat located in the loft would dramatically fall below the Nationally Described Space Standards (NDSS) for both single and two person occupancies. However, the assessment of space should not just be confined to a numerical calculation. The loft space features a sloping roof

towards the front of the property. As such, this lowers the overall standing space available for its occupiers, reducing its usable space. In turn, this creates an inconvenient and inefficient room layout. The combination of this matter and its overall small size has created an unsatisfactory level of amenity for its future occupiers.

11. The appellant has suggested that a condition could be imposed to only allow the second floor and loft flat to be only let or sold as one unit, with the internal arrangements amended. The application is for the creation of four independent units. If this condition was imposed, this would create three units which would not correlate with the description of the development. Planning conditions cannot alter the development from the description given and therefore, this condition would not be relevant to the application description. This would fail to meet the six tests related to planning conditions.
12. The flats located on the first and second floor would fall below the NDSS for both single and double occupancy metrics. But, as previously stated, the assessment of space should not be limited to a numerical calculation. The first floor flat contains a large bedroom, a kitchen and living room which are all separated as individual rooms. The living room is a small space and would feel cramped and difficult for a future occupier to comfortably relax in. The second floor flat would contain a bedroom which is in an 'L' shape. This would confine the space in which a future occupier would struggle to be able to move within the room once their possessions have been set out within its space.
13. In consideration of the plans before me, there is a convenient and functional flow through the first and second floor flats between each room. However, owing to the overall small space, this would become difficult once occupiers had placed their possessions within these spaces, leading to a cramped experience of those rooms. Furthermore, these units would fail to meet the NDSS. These are the minimum standards which must be achieved for room spaces. The combination of the failure to meet the NDSS, and the experience of the shape and layout of each room would not provide a satisfactory level of amenity for its occupiers.
14. To conclude, the development fails to provide an acceptable level of amenity for its future occupiers as it would fail to meet the NDSS and would not provide a satisfactory level of amenity for its occupiers. Therefore, the accommodation provided in this flat works against the provisions of Policy 10 of the ACS and Policy DE1 of the DPD.

Living conditions of neighbouring occupiers

15. In consideration of the lawful use of the building as a family dwelling, the small number of individual self-contained units and their small maximum capacity would be commensurate with that of a large family. The number of occupiers within the building would be small. I recognise that each flat would be an independent unit, operating as individual households with their own separate relationships. However, it is not unreasonable to expect members of a family to have their own working hours, a difference in behaviour and comings and goings, much like those found within each unit here.
16. Each proposed flat would be occupied by a small number of people. These future occupiers would only interact with one another on a limited basis due to the absence of a communal space. Given the number of occupiers, they would also be likely to only have limited numbers of visitors. The attendant comings and

goings would be like that which could be reasonably expected to be associated with a large family occupying a single house.

17. To conclude, I find that the proposal would not conflict with Policy 10 of the ACS, or Policies DE1 of the DPD. These policies note that development will be assessed in terms of its effect on the amenity of neighbouring occupiers, with particular regard to noise and disturbance, and that development proposal will not result in noise at such levels that is likely to adversely impact on health.

Conclusion

18. Although I have concluded that the living conditions of neighbouring occupiers would not be harmed, harm would be caused by the loss of family accommodation and because it would provide unsatisfactory living conditions for future occupants. The development would therefore conflict with the development plan when taken as a whole. There are no other considerations that suggest my decision should otherwise in accordance with the development plan. For the reasons given above the appeal should be dismissed.

J Smith

INSPECTOR