

Appeal Decision

Site visit made on 3 September 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2024

Appeal Ref: APP/Q3060/W/24/3346052

7 Marchwood Close, Nottingham NG8 1PJ

- 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 Gulzara Hussain against the decision of Nottingham City Council.
 - The application Ref is 24/00306/PFUL3.
 - The development proposed is use of dwelling as HMO (3 bedroom).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the mix and balance of housing in the area; and
 - the living conditions of the occupiers of neighbouring properties with regard to the potential for noise and disturbance and the availability of on-street parking.

Reasons

Mix and Balance of Housing

3. The appeal relates to a two-storey terraced property with three bedrooms located in a predominantly residential area of Nottingham. Marchwood Close is a relatively quiet cul-de-sac situated close to the University of Nottingham Jubilee Campus and Nottingham University Hospital and Queen's Medical Centre.
4. Policy HO1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (January 2020) (the LAPP) encourages the provision of family housing outside the city centre due to the identified need for family housing in Nottingham as part of the wider housing mix and balance. The supporting text to Policy HO1 notes the problems caused by the low provision of family homes in the city which are exacerbated by the conversion of dwellings to HMO in parts of the city. Policy HO2 of the LAPP is particularly relevant to this main issue and contains a presumption against the loss of existing Use Class C3 dwellinghouses through either sub-division,

conversion to Use Class C4, conversion to other non-residential uses, or demolition and redevelopment, unless the stated policy criteria are met.

5. Policy HO6 of the LAPP relates specifically to proposals for HMOs and purpose-built student accommodation and requires compliance with Policies HO1 and HO2 as well as setting out criteria for HMO proposals. This includes the existing proportion of HMOs and/ other student households in the area and whether it amounts to or will amount to a 'significant concentration' which is calculated using the methodology shown in Appendix 6 of the LAPP (criterion 2.a of Policy HO6). A 'significant' concentration' is defined in the supporting text to Policy HO6 as 10%.
6. The Officer Report indicates that the concentration of HMOs in the surrounding area is approximately 10.8% and on a wider area is 41.1.%. Both figures exceed the 10% threshold considered to be reasonable in achieving a mixed and balanced community. Therefore, the proposal would exacerbate the existing over-concentration of HMOs in the area and compound the existing community imbalance.
7. This could have potential impacts on some of the local services and infrastructure in the neighbourhood such as schools and recreational facilities. In this respect, the proposal would also not comply with criteria 2.b) to 2.d) of Policy HO6 which require consideration to be given to the characteristics of the immediate locality, evidence of existing HMOs in the vicinity and impact of the proposal on the character and amenity of the area. The appeal is property is not vacant, therefore criterion 2.f) is not a consideration. Criterion 2.g) to 2.i) relate to proposals for purpose-built student accommodation and are therefore not relevant.
8. Furthermore, the proposal would lead to a loss of an existing family dwellinghouse at a time when, according to the Council, there is a great demand in the city. Policy HO2 of the LAPP establishes a presumption against the loss of dwellinghouses unless criteria a) to f) of that policy are met.
9. In relation to criterion a) the appeal site is not within a site allocation that indicates an alternative use or housing mix will be appropriate. In terms of b) and c), there is no substantive evidence before me to indicate that the proposed development fulfils other regeneration aspirations of the Council or meets the evidenced local need for an alternative housing mix. The proposal does not provide alternative provision for other housing priorities of the Council such as housing for elderly persons as required by criterion d). The appeal proposal is not for the development of main town centre uses and is not located in or on the edge of a defined town centre as required by criterion e). The applicant has not demonstrated that the property is no longer suitable for family occupation in order to fulfil criterion f).
10. For these reasons, I conclude that the proposal would harm the mix and balance of housing in the area. Consequently, this would be contrary to Policy 8 of the Broxtowe Borough, Gedling Borough, Nottingham City Aligned Core Strategies Part 1 Local Plan (September 2014) (the ACS) and Policies HO2 and HO6 of the LAPP. Together these policies, amongst other things, seek to ensure development, including HMOs contribute to sustainable,

inclusive and mixed communities, meet the need for family housing in the city and prevent the loss of family dwellinghouses.

Living Conditions

11. The submitted plans show that there would be three bedrooms, two bathrooms, a storage room and an extended kitchen/ diner. While the appellant states that the number of occupants would not be increased from three persons, Use Class C4 allows the property to be occupied for up to six people without the need for further planning permission. This would inevitably comprise a more intensive use of the appeal site compared to that of a single family dwelling, which would have greater potential for shared activities and journeys.
12. Occupants within a HMO would often have individual lifestyles resulting in comings and goings at different times of the day and night, when compared with a single family dwelling. Such activity can increase the potential for noise and disturbance causing nuisance to the neighbouring occupiers. In addition, there is potential for more visitors to the property, along with more collections and deliveries.
13. The appellant states that the property would be occupied by working professionals rather than students so issues with noise and disturbance would not arise. However, the economic or employment status of future occupants cannot be controlled. The appeal property is located within a walkable distance to the University Hospital and Queen's Medical Centre, and the University of Nottingham Jubilee Campus. The property could potentially be occupied by students or working professionals or both.
14. Marchwood Close is a fairly narrow street with double and single yellow lines, and within which a permit holder parking only scheme operates. Many front gardens in the street have been converted to driveways, including at the appeal site. The proposal has the potential to increase the demand for on street parking. However, the existing parking restrictions and the resident parking scheme are likely to deter or control the demand for on street parking.
15. For the above reasons, I conclude that while the proposal would not have a harmful effect with regard to the availability of on-street parking, it would harm the living conditions of neighbouring occupiers with regard to the potential for noise and disturbance. Hence, it would conflict with Policy 10 of the ACS and Policies DE1, DE2, HO6 and IN2 of the LAPP. Together, these policies, amongst other matters, seek to ensure development provides a satisfactory level of amenity for the occupiers of neighbouring properties with regard to noise and nuisance.
16. The Decision Notice refers to Policies DE2 and IN2 of the LAPP. However, Policy DE2 relates to good design and Policy IN2 relates to land contamination, pollution and instability so are therefore not determinative on this main issue.

Other Matters

17. The Council has referred to the potential for a high turnover of residents, the absence of residents during term time, poor property maintenance and

inappropriate management of waste disposal as issues that could adversely impact on the amenity of neighbouring occupiers. However, there is no substantive evidence before me in relation to these issues or how they would, in themselves, cause harm to the living conditions of neighbouring occupiers.

18. The absence of proposed internal or external alterations to the property and its location within walkable distance to the hospital, would not justify the harm that would be caused to the mix and balance of housing and to the living conditions of neighbouring occupiers with regard to noise and disturbance.
19. The appellant suggests that the proposal would contribute to housing supply. While the Framework encourages areas to provide a sufficient number of homes, it also requires that an appropriate mix of housing is provided to meet the needs of the local area.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR