

Appeal Decision

Site visit made on 1 October 2024

by Dr Rachael A Bust BSc (Hons) MA MSc LLM PhD MIOl MCMI FGS MIEEnvSci MRTPI
an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/Q3060/W/24/3345562
275 Gladstone Street, Nottingham NG7 6HX

- 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 Youth Thirst CIC against the decision of Nottingham City Council.
 - The application ref is 23/02006/PFUL3.
 - The development proposed was originally described as “change the use of building to HMO.”
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to four bed house in multiple occupation at 275 Gladstone Street, Nottingham, NG7 6HX in accordance with the terms of the application, Ref 23/02006/PFUL3, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with site location plan (dated 9th June 2024) and internal floor plans (undated) as submitted with the application.

Preliminary Matters

2. Notwithstanding the description of development set out in the heading details above which is taken from the application form, it is clear from the accompanying details that the development comprises a four-bedroom dwelling. The Council dealt with the proposal on this basis and so shall I. Accordingly, the description of development in my formal decision paragraph above more precisely describes the development and is taken from the Council’s decision notice.
3. The application form confirmed that the change of use was commenced 01/06/2020 and was completed 26/09/2022. As a retrospective scheme I have determined the appeal on the basis of the submitted plans.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - i) the housing mix in the area with particular regard to the provision of family accommodation; and

- ii) the living conditions of occupiers of the adjoining residential property and, more broadly, residents in the surrounding area, with regard to noise and disturbance, waste disposal, parking, property maintenance and other occupancy matters.

Reasons

Family accommodation

5. No. 275 Gladstone Street is a relatively recent 3-storey addition to the end of a residential terrace. It replicates many of the design features of other dwellings within the terrace. The submitted plans illustrate that the property has a conventional internal layout and proportions for a 4-bedroom family dwelling.
6. Policy 8 of the Nottingham City Aligned Core Strategy Part 1 Local Plan (ACS) places an emphasis on providing family housing, including larger family housing. This is followed through into Policies HO1 and HO2 of the Local Plan Part 2 – Land and Planning Policies (LAPP). Policy HO2 sets a clear presumption against the loss of dwellings suitable for family occupation unless one of the policy exceptions can be demonstrated. The supporting text goes on to explain that the Council is seeking to secure more family housing, particularly larger family homes.
7. The appeal proposal seeks the change of use from a single-family dwelling to a house in multiple occupation (HMO). There is a city-wide Direction¹ preventing the change of use of a dwellinghouse to an HMO within Use Class C4 under permitted development rights. The Direction is consistent with development plan policies that encourage the provision and retention of family housing.
8. The appellant is a non-profit organisation providing safe places and day to day managed support service for vulnerable individuals within the community. It also provides employment for 2 full-time equivalent persons within the on-site support service. From the evidence before me, it is apparent that the appeal property is providing an important supported service which in my view represents local evidence of a housing need which would satisfy the exception set out in criterion c) of both Policies HO1 and HO2 of the LAPP. As such I find that this particular appeal proposal does not undermine the policy approach to provide and retain family sized dwellings within the housing mix to create and maintain sustainable, inclusive and mixed communities.

Living conditions of other nearby occupiers

9. Whilst I note the Council's concerns expressed within the second reason for refusal, given that the change of use has already occurred and the appeal property has been operating as an HMO for over 2 years, no cogent evidence has been submitted to substantiate these concerns for the appeal property specifically. As such I find the Council's concerns to be expressed in general terms and without substantive evidence relating to the appeal property.
10. At the time of my site visit there was no apparent evidence of noise or disturbance. There was no refuse within the immediate vicinity. Whilst the

¹ Article 4, Town and Country Planning (General Permitted Development) (England) Order 2015

planning application form and submitted plans do not indicate how waste would be stored and collected, it is evident that there would be adequate space for wheeled bins storage behind the front wall, and thus would make it similar to other properties on the same side of Gladstone Street.

11. The appeal property does not have off-street car parking which is common to many other properties within this area. Consequently, any occupiers of the appeal property would rely on on-street parking. Even if none of the current occupiers drive, it may not always be the case. This particular part of Gladstone Street containing the appeal property has no parking restrictions, other than around the junctions. No specific evidence of parking stress has been submitted. Whilst only a snapshot in time, from my site visit there was capacity for on-street parking in both Gladstone Street and the wider general area. Public transport in the locality is available as an alternative to the use of a car and therefore the effect on on-street parking would not be decisive.
12. The appeal property appears to be externally well maintained and suitably enclosed. The use of a property as an HMO can potentially be more intensive than family occupation, in terms of the number of unrelated residents coming and going. No details have been submitted regarding the occupancy duration terms of the support service. Concerns have been expressed relating to property maintenance and nature of occupancy turnover, these seem largely to be related to the potential individuals concerned and so have limited bearing on my decision.
13. In support of the concerns about living conditions the Council has submitted an appeal decision² for a similar proposal within the wider area. Whilst no further details of this other scheme have been submitted, from viewing this property from the public realm I find it differs to the appeal property because it is three-storey and therefore larger, and it has a different physical relationship and proximity to the neighbouring property to the rear. In this regard I note Inspector Hendley's conclusion that there is potential for harm to living conditions from the use of the rear yard and entrance from increased comings and goings. As such in relation to the effect on living conditions it is not directly comparable to the case before me. In any event every application and appeal should be determined on its own merits which is what I have done.
14. Policy HO6 seeks to restrict new HMOs in areas where there is a significant concentration. Appendix 6 of the LAPP sets a threshold of 10% of the housing stock in a local area, above which would indicate that an area has a significant concentration of HMOs. The submitted Council Tax data from November 2023 indicates that only 13 of 157 dwellings within the defined area containing the appeal property were student households and HMOs. This represents approximately 8.3% of the housing stock. Even though 4 of the 8 adjoining areas are above the 10%, when all defined areas are taken together the overall total is 7.1%. Accordingly, there is not a significant concentration of HMOs in this part of the City at this point in time.
15. Accordingly, it has not been demonstrated that the use of the appeal property as an HMO has, of itself, adversely affected the living conditions of the occupiers of the adjoining residential property or more broadly the

² APP/Q3060/W/20/3261369, dated 3 February 2021

residents of the surrounding area, with regard to noise and disturbance, waste disposal, parking, property maintenance and other occupancy matters. Therefore, while there is potential for conflict with policies in the development plan, no such conflict has been demonstrated. As such, on the evidence submitted, I find no conflict with Policy 10 of the ACS and with Policies HO6, DE1 and TR1 of the LAPP which seek to manage the impact on the nearby residents or occupiers, as well as the area, including odour, noise and nuisance, amongst other considerations.

Planning Conditions

16. I have had regard to the Council's recommended planning conditions. The standard time limit for implementation is not relevant given that the development has already been commenced. A condition to identify the approved plans is necessary in order to define the scope of the permission.

Conclusion

17. For the reasons given above the appeal should be allowed.

Dr Rachael A Bust

INSPECTOR