



Appeal Decision

Site visit made on 14 January 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/Q3060/W/24/3349342

215 Beechdale Road, NOTTINGHAM, NG8 3EZ

- 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 Smart Developments (Notts) Ltd against the decision of Nottingham City Council.
 - The application Ref is 24/00370/PFUL3.
 - The development proposed is change of use from C3 dwelling to C4 HMO dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would result in the unacceptable loss of family accommodation;
 - The effect of the proposal on the living conditions of neighbouring occupiers with regard to nuisance, noise and disturbance; and
 - Whether the proposal would provide appropriate living conditions for the proposed occupiers with particular regard to internal space.

Reasons

Family accommodation

3. Policy 8 of the Greater Nottingham Aligned Core Strategies Local Plan part 1 adopted 2014 (the CS) places an emphasis on providing family housing in Nottingham, including larger family housing, to meet the Sustainable Community Strategy and Housing Strategy Objectives. Policy HO2 of the Local Plan Part 2 Land and Planning Policies 2020 (the LPP), specifically regarding protecting dwellinghouses suitable for family accommodation includes a presumption against the conversion of such properties to a C4 House in Multiple Occupation (HMO) dwelling unless certain criteria apply.
4. The appeal property is a large, three storey, four bedroom house within an established residential area. It is set back from the road with parking area to the front and a garden to the rear. It is therefore an established large family dwelling of the type that the development plan seeks to retain.

5. Although the appellant states they have tried to let it with no success there is no substantive evidence before me of this, or any marketing information to demonstrate a lack of demand for large family accommodation to dispute the Council's evidence for the basis of the protective policy.
6. The appellant also describes the specific way the HMO would be occupied by larger extended families and friends living together. However, there is no way of controlling this and in effect the HMO could be occupied by anyone. I appreciate that HMO do meet a specific need for accommodation within the City, but policy exists to protect larger family accommodation unless there are exceptional reasons not to do so.
7. The appellant states that a local property received planning permission for the change of use from C3 dwelling to a C2 Children's Residential Care Home in September 2023¹ along with a Certificate of Lawfulness being granted at the appeal site in 2021 for the use of the property as supported living accommodation within class C3 (b)².
8. I do not have full details of these permissions, but in any case, neither involved the change of use of the property to a HMO as proposed here. Furthermore, Policy HO2 includes the criterion that development would be supported if the proposal meets other housing priorities which may have been the case in the examples quoted.
9. However, from the evidence before me the proposal does not meet any of the criteria of Policy HO2 and therefore for the reasons above I conclude that it would lead to the unacceptable loss of larger family housing in conflict with policy 8 of CS and policy HO2 of the LPP.
10. The appellant refers to Policy HO6 of the LPP regarding changes of use of properties to HMO. However, this states that these will only be granted where there is no conflict with Policy HO2.

Living conditions

11. The appeal property being a four bedroom house could accommodate a large family of about 5-7. Furthermore, as the appellant points out, the garage could be converted to a bedroom without the need for planning permission, increasing occupancy to 7-9. The HMO would have six separate bedrooms, five of which are shown as double bedrooms therefore accommodating up to 12 people. However, the appellant notes the intention to restrict occupation under the HMO regulations to just 6 people. This could be the subject of a condition imposed on any planning permission.
12. I understand that people who are not necessarily related may occupy a property differently to those who are, particularly with respect to their comings and goings to the property, noise and disturbance, the ownership of cars and potential for a higher turnover of residents than a family dwelling. However, I am not convinced that any of these would be particularly troublesome if the number were restricted to 6, similar to the number which could occupy a large family house. Waste bins and comings and goings leading to noise and disturbance would probably be at a similar level. The main difference would potentially be the level of car ownership as

¹ 23/01604/PFUL3

² 21/00615/PCLO

it is more likely that individuals occupying a property would have a car each. However, I saw that the property is in a reasonably accessible location and while acknowledging the surrounding parking is subject to a permit or payment, my attention has not been drawn to any parking problems in the area or any comments from the Highway Authority in this respect.

13. The property would be managed by the appellant with regular inspections and maintenance undertaken at the property to prevent the dwelling falling into a state of disrepair.
14. The proposal would result in the replacement of the lounge with a bedroom, leaving just one room to provide communal open space for the six residents. The appellant states that the open plan living space proposed would be in accordance with and exceed the minimum requirements set out by Nottingham City Council HMO Standards. Furthermore, the ground floor bedrooms may not be implemented. However, that is not guaranteed, and I must determine the appeal in accordance with the submitted plans.
15. Most of the bedrooms are large for one person giving enough room to rest and relax in. While the dining room would be the only communal space available, at 22m² it would be more than sufficient to provide both dining space for occupants and a place to relax in if they wanted to leave their room. The dining room would be light and airy with large doors opening into garden space which would also be available as communal space, albeit only in the warmer months.
16. For the reasons above, I conclude that the proposal would not have a materially harmful effect on the living conditions of neighbouring occupiers with regard to nuisance, noise and disturbance and would provide appropriate living conditions for the proposed occupiers with particular regard to internal space. There would therefore be no conflict with Policy 10 of the CS and Policies DE1, DE2 and IN2 of the LPP. Together these require that development does not have a harmful impact on residents or occupiers or that noise adversely impacts on the residents health or quality of life. In addition, development should create an attractive, safe, inclusive and healthy environment which respects and enhances the streetscape and ensure that development does not generate levels of traffic, on-street parking, vehicle movements or access arrangements which would have a detrimental impact on the amenity of local occupiers.

Conclusion

17. The proposal would result in the unacceptable loss of family accommodation contrary to the development plan as a whole. The lack of harm to living conditions is neutral in the planning balance.
18. Although the proposal would provide a specific type of accommodation and there would be economic benefits during construction, these would be insufficient to outweigh the identified conflict to the development plan.
19. For the reasons above the appeal is dismissed.

Zoe Raygen

INSPECTOR