



Appeal Decision

Site visit made on 17 March 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/Q3060/D/25/3359335

7 Claytons Drive, Nottingham NG7 2PF

- 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 Mrs Kelly Davies c/o Precision Abodes Ltd against the decision of Nottingham City Council.
 - The application Ref is 24/01328-PFUL3 (PP-12441935).
 - The development proposed is the conversion of integral garage to habitable living space with window to front.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of integral garage to habitable living space with window to front at 7 Claytons Drive, Nottingham NG7 2PF in accordance with the terms of the application, Ref 24/01328-PFUL3 (PP-12441935), 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 the following plans: site location plan, proposed floor plans and front elevation – existing and proposed.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

Preliminary Matter

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as the parts most relevant to the main issue in this appeal have not substantially changed, I have not gone back to the parties to seek further submissions. I consider no party has been prejudiced by this approach.

Main Issues

3. The main issues are the effect of the proposed development on the:
 - living conditions of neighbouring occupiers, and
 - the mix and balance of housing in the area.

Reasons

Living conditions

4. The Council has concerns that the proposed development could result in harm to the living conditions of neighbouring occupiers in terms of noise, disturbance, waste disposal, property maintenance, on-street parking, high turnover of occupiers and, if occupied by students, an absence of residents outside of term time.
5. The character of a family dwelling can differ markedly from that of a house of multiple occupation (HMO). Unrelated adults are more likely to have individual daily schedules, deliveries and visitors and less likely to undertake activities together than a family. As such, the use of the property as a HMO would be likely to generate more activity and associated noise than if it were used as a family home. However, the property is already in use as a HMO. I am not persuaded that the comings and goings resulting from the creation of an additional bedspace would result in a detrimental increase in noise and waste disposal over and above the existing situation.
6. During my site visit, I observed that the property appeared to be well-maintained, there is no evidence to suggest that the addition of an extra occupier would lead to concerns in relation to the upkeep of the property.
7. The property has an off-road parking space for one vehicle, and an additional space is proposed at the front of the property. Even if this additional space were not provided, although the road is relatively narrow, it is a private road and I have no substantive evidence to indicate that parking is an issue either in the wider area or on Claytons Drive. I am also mindful that the appeal site is in an accessible location, very close to a tram stop and walking distance of a bus stop. Therefore, future occupiers would have access to sustainable transportation modes without reliance on a car. Accordingly, I do not consider the small increase in bedspace resulting from the proposed garage conversion would have a harmful impact on street parking.
8. I acknowledge that where there is a high turnover of occupiers and high numbers of properties vacant out of term time that this can have a negative effect on the character of the area which in turn could adversely affect living conditions of neighbouring residents. However, the existing property is currently in use as a HMO. There is nothing before me to suggest that the tenants would solely be students nor that there is a high turnover of occupants. Indeed, the submitted information indicates that several of the existing tenants have been occupying the property for several years and are not all students. I have no substantive evidence that the proposal would alter this nor that there is an issue on Claytons Drive with empty properties or a high turnover of occupiers.
9. I am also mindful that no comments have been received from neighbouring occupiers. Whilst this in itself is not determinative, it nevertheless gives a useful indication as to whether there are any existing concerns in relation to the forementioned matters.
10. In conclusion, I find it has not been demonstrated that the proposed development would have an adverse effect on the living conditions of neighbouring occupiers. Accordingly, there is no conflict with Policy 10 of the Nottingham Aligned Core

Strategy Part 1 Local Plan (2014) (ACS) or Policies DE1, DE2, HO6 and IN2 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (2020) (LAPP) which collectively seek to ensure development does not have an adverse effect on the amenities of neighbouring properties and that noise does not adversely impact on the quality of life.

Housing mix

11. The appeal site comprises a three-bedroom mid-terraced property. It is currently in use as a HMO. The property currently has 3 occupiers. The proposed conversion of the garage would result in the potential for a small increase in occupancy.
12. Policy 8 of the ACS sets out that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes to create sustainable, inclusive and mixed communities. It goes on to state that there should be an emphasis on providing family housing within the city and that an appropriate mix of housing should be informed by, amongst other things, the need to redress the housing mix within areas of concentration of student households and HMOs. The supporting text to the policy highlights the lower percentage of family housing available and seeks to resist the loss of this type of housing of which there is a shortage within the city. This is generally supported by Policy HO1 of the LAPP regarding Housing Mix.
13. The appeal property currently has 3 bedrooms with a small private rear garden and would thus be suitable for family occupation. However, the building is currently occupied as a HMO with a Certificate of Lawfulness for occupation of between 3 and 6 occupiers. The appeal property currently has 3 tenants, and the appeal scheme would facilitate an additional bedspace at the property. It would therefore remain well within the limits permitted under the lawful C4 use. There is no substantive evidence before me that the property is likely to revert to a single dwellinghouse. Consequently, the existing building does not contribute to the Council's existing stock of family housing which Policy 8 of the ACS and Policy HO2 of the LAPP seek to protect the loss of.
14. Policy HO6 of the LAPP requires that when considering extensions or alterations to existing HMOs, regard will be given to the existing proportion of HMOs or student households in the area, the individual characteristics of the site and immediate locality and evidence of existing HMOs within the immediate vicinity of the site that impacts on local character and amenity.
15. I note that the wider area has a significant concentration of HMOs. However, the development before me is for an alteration to an existing HMO, and, based on the evidence provided, it would not result in an increase in occupants beyond that currently permitted under the lawful use class. Moreover, under Policy HO6, the concentration of HMOs is only one of several considerations. I have no information regarding the number of HMOs on Claytons Drive. During my site visit, I observed no evidence of existing HMOs within the immediate vicinity of the site having an adverse impact on local character and amenity. I have no substantive evidence before me, for example objections from neighbouring occupiers, which would suggest any concerns in this regard. Additionally, I have found the proposal would not have an adverse effect on the living conditions of neighbouring occupiers.

16. Given the potential increase of 1 additional occupier over and above the three existing tenants and as a result of its existing and proposed continued occupation as a small HMO, I am not persuaded that the proposal would harmfully undermine the local objectives to create sustainable, inclusive and mixed communities. It would thus not have a detrimental impact on the mix and balance of housing in the area, according with Policy 8 of the ACS and Policy HO1, HO2 and HO6 of the LAPP.

Conditions

17. In addition to the standard time period for commencement of the development, a condition is necessary to ensure compliance with the approved plans. To ensure a satisfactory appearance, a condition requiring matching materials is also necessary.

Conclusion

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

T Bennett

INSPECTOR