



Appeal Decision

Site visit made on 15 April 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2025

Appeal Ref: APP/Q3060/W/24/3357391

69 Colwick Road, Nottingham NG2 4AL

- 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 Rupert Chapman (RC Woodhouse Limited) against the decision of Nottingham City Council.
 - The application Ref is 23/02098/PFUL3 (PP-12656367).
 - The development proposed is described as 'change of use to C4 for the occupation of six people'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to C4 for the occupation of six people at 69 Colwick Road, Nottingham NG2 4AL in accordance with the terms of the application ref 23/02098/PFUL3 (PP-12656367), subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: site location plan, first floor reconfiguration 01, building plan.

Preliminary Matter

2. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

3. The main issues are the effect of the proposal on:
 - community balance, having regard to relevant development plan policies; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise, level of activity, property upkeep, waste disposal, turnover of occupants, and parking, and linked to this, on the surrounding area.

Reasons

Community balance

4. The appeal property is an end of terrace dwelling located in a predominantly residential area. The appellant, through the proposed change of use, is seeking to

increase the number of bedrooms from five to six by splitting one of the first-floor bedrooms into two bedrooms. The property would accommodate six people.

5. Policy 8 of the Aligned Core Strategies Part 1 Local Plan (ACS) 2014 outlines the general approach to residential development within the city and the neighbouring boroughs. It states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. This policy also states that there should be an emphasis on providing family housing, including larger family housing, to meet Sustainable Community Strategy and Housing Strategy objectives. The appropriate mix of housing is to be informed by, amongst other things, the need to redress the housing mix within areas of concentration of student households and Houses in Multiple Occupation (HMO).
6. Policy HO1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (LAPP) 2020 also supports the provision and retention of family housing in the city. The supporting text of the policy defines family housing as likely to be of no more than three storeys, have private enclosed gardens, and have three or more bedrooms, two of which are capable of double occupancy. Policy HO2 of the LAPP also seeks to protect dwellinghouses (use class C3) suitable for family occupation.
7. The Council referred to Policy HO6 of the LAPP, which concerns HMOs, and indicated that the average concentration of HMO properties for surrounding output areas is low (approximately 9.8%), which falls below the Council's 10% threshold. The Council argues that the low concentration of HMOs in the area demonstrates that the appeal site and surrounding properties are attractive as family housing. However, the submitted evidence indicates that, although the current use of the appeal site is C3, the site has not been occupied by a family for some time.
8. The appeal property meets some of the criteria of 'family housing' as defined in the LAPP, as it has no more than three storeys and would have six bedrooms, with at least two of them able to provide double occupancy. However, the property has a very modest yard, which is currently dominated by refuse storage. Due to its almost triangular shape and limited area, the functional yard cannot provide appropriate space to undertake many domestic activities or planting, nor does it allow sufficient space for most domestic paraphernalia. Accordingly, greenery and available play space is severely curtailed. Hence, the property does not have a private enclosed garden that would lend itself to a family with children. Having considered the appeal property as a whole, I find that it does not meet the definition of family housing for the purposes of the LAPP.
9. I note that the Council's concern is about the cumulative impact that similar developments would have on the community balance. Whilst I acknowledge this concern, all developments need to be considered on their own merits and the Council has not provided any evidence regarding specific problems with HMOs in the vicinity of the appeal site. Furthermore, there is no compelling evidence before me to suggest that the proposal would prejudice the creation and maintenance of a balanced and sustainable community.
10. Accordingly, I find that the proposed change of use would not have a detrimental effect on the overall balance of the community. Therefore, there would be no

conflict with the aims of Policy 8 of the ACS and Policies HO1 and HO2 of the LAPP.

Living conditions and surrounding area

11. The Council asserts that the proposed change of use might lead to an increase in noise, anti-social behaviour, poorly maintained property, and inappropriate management of waste because these are common issues associated with HMOs. The Council also referred to a high turnover of occupants, the absence of residents outside term times if the property would be occupied by students, and to the fact that six unrelated households would be a disproportionately high number relative to the location and size of the property.
12. The submitted plans indicate that the HMO would be six bedrooms, occupied by six people. Taking into account the potential for each occupant to have individual schedules, deliveries and visitors, there is likely to be some intensification of activity when compared to a house occupied by a family. However, the extent of such an increase in comparison to occupation by a larger family (needing five bedrooms) is likely to be marginal. As such, any associated increase in noise would be limited and it is not shown that this would result in problematic levels of disturbance to nearby occupiers.
13. There is a direct access to the appeal property's yard from Lord Nelson Street, and sufficient space within the yard for refuse storage. Based on the evidence submitted by the appellant and from what I have seen during my site visit there are no signs of problems in the area associated with waste disposal. I have no evidence before me to suggest that the upkeep of the property would differ significantly in relative terms based on the type and tenure of occupation.
14. Given the proposed change of use, there would be a possibility for the appeal property to be occupied by students. Be that as it may, based on the Council's evidence, there is not an over-concentration of HMOs or student properties in the area. Thus, empty properties outside of term time are not a significant issue in the locality. Regarding the Council's concern about the proposed number of occupants, there is no substantive evidence before me that the dwelling would not be capable to adequately accommodate six occupants.
15. The Council also expressed concerns about the additional demand for on street parking that would be created as a result of the proposal and the effect that this would have on neighbouring amenities. Parking on Colwick Road within proximity of the appeal property on both sides of the road is mostly unrestricted, as is parking along Lord Nelson Street. I observed, during my site visit, that there were several vacant on street parking spaces available. Whilst this was only a snapshot in time, there is no substantive evidence that there is parking stress in the area and that people would not be able to park near to where they live. The parking survey results outlined within the Planning Appeal Statement (Transport) December 2024 indicates that during the period of the survey between midnight and 2.00am there were 259 free spaces within a 200 metre walk of the site, with an occupancy level of 59.3%, and that along Lord Nelson Street adjacent to the site there were 28 free spaces, with another 13 spaces available on Colwick Road. In addition, I have not been informed about any concerns from the Highway Authority regarding on-street parking capacity in the area. Furthermore, the appeal site is within proximity of bus stops and within walking distance of a range of

facilities and services. Thus, it would not be a necessity for future occupiers of the appeal property to use a car to access day to day needs.

16. In conclusion, I find that the development would not cause harm to the living conditions of nearby occupants and would not have a detrimental effect on the surrounding area, with regard to noise, activity, property upkeep, waste disposal, turnover of occupants, and available parking. Accordingly, there would be no conflict with Policy 10 of the ACS and Policies HO6, DE1, TR1 of the LAPP, which collectively seek, amongst other things, to protect the amenity of nearby residents and the local environment, and to ensure an appropriate level of parking provision.

Conditions

17. The Council did not suggest any conditions. Nevertheless, having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2), in the interests of precision and certainty.
18. The appellant has indicated that bicycle storage could be provided within the rear yard and secured through a planning condition. Given my findings above regarding the accessibility of the appeal site's location, and the requirements of paragraph 57 of the Framework, which state that planning conditions should be kept to a minimum, I do not consider that such condition is necessary to make the proposal acceptable in planning terms.

Conclusion

19. For the reasons given above I conclude that the proposal does not conflict with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be allowed, and planning permission granted.

Andreea Spataru

INSPECTOR