



Appeal Decision

Site visit made on 22 April 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/J3015/W/25/3361417

108 Long Lane, Attenborough, Nottinghamshire NG9 6BW

- 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 Hollywell Property Investments Limited against the decision of Broxtowe Borough Council.
 - The application Ref is 24/00784/FUL.
 - The development proposed is change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Hollywell Property Investments Limited against Broxtowe Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. Although the Council has not raised any concerns regarding flood risk, I note that the Environment Agency (EA) has objected on this matter. The appeal site is within Flood Zone 3 and the proposal would create an additional bedroom on the ground floor. Consequently, it is my view that flood risk should be considered as a main issue. Both parties have had the opportunity to provide their comments on the matter and on the EA's objections, and therefore I am satisfied that neither party would be prejudiced by this approach.

Main Issues

4. The main issues, therefore, are:
 - flood risk; and
 - whether the proposal would provide adequate living conditions for current and future occupiers of the property, with particular regard to shared amenity space.

Reasons

Flood risk

5. The appellant's Flood Risk Assessment accepts that the appeal site is on land that is at risk of fluvial and groundwater flooding, and that the development would have

a flood risk vulnerability classification of 'More Vulnerable'. Two bedrooms already exist on the ground floor, however I understand that comments were not sought from the EA during the consideration of the previous application at the appeal property for the creation of these bedrooms. Furthermore, I do not have substantive details of this permission, such as the officer's report, before me so the reasons why the two bedrooms were acceptable to the Council are unclear.

6. Notwithstanding the presence of these existing bedrooms, the proposal would create a third bedroom on the ground floor. The rooms on the ground floor of the property would be most at risk from flooding and those sleeping in these bedrooms would be seriously affected by any flooding. The first-floor landing is modest in size and lacking in facilities, and therefore I am not convinced that it would provide adequate refuge for the ground floor occupiers.
7. The EA has suggested two conditions in the event that planning permission is granted. However, the building is already in place and I have no evidence before me to demonstrate that the raising of the ground floor levels would be practicable or achievable without unacceptably reducing the floor-to-ceiling height. Furthermore, the proposal seeks to create a ground floor bedroom and as such a condition prohibiting bedrooms on the ground floor would render the proposal impossible to achieve. The suggested conditions would therefore fail to satisfy the test for reasonableness.
8. For these reasons, the creation of a further bedroom on the ground floor would increase the number of people at risk with insufficient areas for refuge and would therefore cause unacceptable harm to future occupiers of the bedroom with regards to flood risk. The proposal would be contrary to Policy 1 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (ACS), which seeks for development to adopt the precautionary principle that avoids areas of current and future flood risk.

Living conditions of current and future occupiers

9. The proposed bedroom would replace a lounge, however the property would still have a communal area comprising two kitchens, one of which would be used as a dining area, and a conservatory which would become a lounge. These communal areas would be reasonably sized and I am satisfied that they would provide adequate amenity space for the current and future occupiers of the property.
10. The proposal would therefore comply with ACS Policy 10 and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019), insofar as they require development to provide a satisfactory level of amenity for its occupiers.

Other Matters

11. The appellant states that the proposed use will ensure that the unit is reoccupied and can contribute to the vitality and viability of the wider area. However, the property is already operating as a 6-bed House in Multiple Occupation and I have no evidence before me that the lounge has previously been used as a bedroom. Furthermore, the creation of one additional bedroom would not have a significant effect on the vitality and viability of the wider area.

Conclusion

12. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR