**APPEAL STATEMENT**

**FOR**

**NOTTINGHAM CITY COUNCIL’S REFUSAL**

**OF APPLICATION REF 20/00165/PFUL3**

**CHANGE OF USE FROM A C3 (FAMILY DWELLINGHOUSE) TO A C4 (HOUSE IN MULTIPLE OCCUPATION).**

**ON**

**49 COLWICK ROAD, NOTTINGHAM, NG2 4AL**

**PREPARED BY**

**PAULA DALEY**

**OF**

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1. **INTRODUCTION**

1.1 I hereby submit an appeal against Nottingham City Councils decision to refuse planning application reference 20/00165/PFUL3 , for the change of use of 49 Colwick Road, Nottingham, from a C3 (family dwellinghouse) to a C4 (house in multiple occupation)

1.2 The case for this appeal is respectfully set out below.

**2. APPEAL SITE AND SURROUNDINGS**

2.1 The redline site area consists of a 6-bedroom, three storey, end terrace property which has a lawful use as a C3 dwelling house. It is noted however that the property has been utilised by the previous owner as an C4 HMO since 2001. However, due to the previous owner’s lack of accurate record keeping, the Appellant is unable to evidence this fully. The Appellant is therefore seeking consent to formalise this C4 use by this application, instead of a lawful use certificate. At present, the Appellant is currently only renting the property to 2 individuals in order to ensure that he is not occupying the property unlawfully until C4 use is formally confirmed.

2.2 Internally, to the ground floor, the dwelling incorporates a bedroom, bathroom, living room and kitchen. There are three further bedrooms and a bathroom to the first floor and two bedrooms to the second floor.

2.3 To the front of the property is a small front yard which is bound by a low stone wall and provides pedestrian access onto Colwick Road. Unrestricted on street parking is available along Colwick Road.

2.4 To the side of no 49 Colwick Road is an alley way which leads to the rear of the property. To the rear of the property is a small courtyard which includes a small amenity area and an area for the storage of the refuge bins and bicycle storage.

2.5 The property is located within a primarily residential area on Colwick Road which consists of a mixture of three storey town houses and two storey dwellings. The site is well accessed via public transport and is only 1.6mile from the centre of Nottingham City. The site is located within a highly sustainable location and within easy walking distance of many of the key facilities. The location is not near the Universities and is not an area popular with students.

**3. PLANNING HISTORY**

3.1 Prior to the submission of this application, there have been no previous planning applications at this property.

**4. APPLICATION LEADING TO APPEAL**

4.1 This appeal proposal seeks to obtain consent for the change of use of 49 Colwick Road from a C3 dwelling to a C4 House in Multiple Occupation. Whilst the property has a lawful C3 use, it is understood from the previous owners that the property has been utilised as a house of multiple occupation since 2001. However, due to the previous owner’s lack of record keeping, the Appellant is unable to apply for a Certificate of Lawful Use and therefore seeks to formally obtain consent to change the use of the property from a C3 dwelling to a C4 house in multiple occupation.

4.2 The Appellant purchased the property in a state of disrepair. The Appellant has undertaken extensive renovations to the property and has bought the dwelling up to a high standard of accommodation. The dwelling has not been extended and there have been no external alterations. Furthermore, the layout of the dwelling has also not been amended since the applicant purchased the property.

4.3 Due to the property being utilised as an unlicensed HMO since 2001, the dwelling was not considered suitable for family occupation due to alterations that had been undertaken such as a large number of rooms, installation of fire doors, fire alarms etc. The Appellant therefore renovated the property with the hope to formalise the HMO and aimed the specification of the renovation at the professional and graduate rental market as opposed to students or low-cost HMO accommodation. In this regard, the property has been renovated to a very high standard as is evidenced in the photos in Appendix 1.

4.4 Due to the high quality of the renovations and the location, the Appellant is restricting its occupants to professionals and graduates. The Appellant will personally manage the property and the property will be professionally cleaned on a weekly basis. The Appellant has also ensured that he has introduced himself and has given his contact details to the neighbours, who are then able to identify any issues that may arise, in order to ensure effective long-term management of the property.

4.5 The Appellant considered that there was a need for high quality accommodation aimed at professionals who may for example be working in Nottingham City Centre or within the nearby Boots Island business development that the City Council has just approved. This provides a more affordable option that the rental of an entire flat in the city centre.

4.6 The property is located on Colwick Road which provides unrestricted on street parking. Due to the sustainable location however, it is considered that the occupiers would not necessarily own a car and would either walk or cycle to work. In this regard a lockable bike store is to be provided within the rear garden area. In addition, bins will also be stored within this courtyard and away from public view.

4.7 Sneinton is not known to be an area that attracts student due to is substantial distance from the Universities. This is demonstrated by the low number of student HMOs in the area.

**5. REASONS FOR REFUSAL**

5.1 On 23rd March 2020, application 20/00165/PFUL3 was refused for the following reasons:

1. The proposed development as a Class C4 House in Multiple Occupation would lead to the loss of a family dwelling and therefore prejudice the creation and maintenance of a balanced and sustainable community, contrary to Policy 8 of the Nottingham Aligned Core Strategy and policies HO1, HO2 and HO6 of the LAPP.

1. The proposed development as a Class C4 House in Multiple Occupation would have a materially detrimental impact on the amenities of neighbouring occupiers through increased noise and disturbance, contrary to Policy 10 of the Aligned Core Strategy and Policies DE1 and TR1 of the LAPP.

**6. PLANNING POLICY**

6.1 The development proposals as submitted have been formulated following a detailed assessment of the following relevant National and Local Planning Policies.

***National Planning Policy Framework***

6.2 The National Planning Policy Framework was published in February 2019 and took immediate effect with regards to the determination of planning applications. The overarching planning policy objective is the presumption in favour of sustainable development which should be seen as a golden thread running through both planning making and decision taking.

* 1. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development, with paragraph 8 identifying that achieving sustainable development means that the planning system has three overarching objectives, These are:

1. *an economic objective – to help build a strong, responsive and competitive economy -* It is considered that this application seeks to support economic growth in the area through the provision of affordable, high quality accommodation that is suitable for the professional business market.
2. *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being* - As will be demonstrated below, it is considered that this proposal meets a local housing need for graduates and does not prejudice the creation and maintenance of a balanced and sustainable community. Furthermore, the property is located within a highly sustainable location and is accessible by foot, public transport and cycle to all key services and facilities.
3. *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. -* The application makes the most effective and efficient use of this property, bringing forward a property that may be under-occupied by a couple or family to a property that can accommodate 6 professional people. The location means that the occupants have access to employment and key services by alternative modes of transport other than the car. The use of alternative modes of transport will be encourage by the provision of a dedicated, lockable cycle store. This proposal therefore has a positive contribution to the climate change agenda and moving towards a low carbon economy.

6.4 Importantly paragraph 10 states “So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development.”** It is therefore considered that there should be a presumption in favour of this development.

6.5 Paragraph 38 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. Paragraph 47 identifies that Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.6 Chapter 5 of the NPPF relates to ‘Delivering a sufficient supply of homes’ and identifies the key objective which is to “significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.” It is considered that the application provides a development that can provide accommodation for 6 people and add to the variety of housing stock within the area.

6.7 Paragraph 61 states that “Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies”. It is considered that the proposal meets a need for housing for professionals within this location and its compliance with other Local Planning Policies will be addressed in more detail below.

6.8 Paragraph 118 states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses”. It is considered that this application makes the most effective and efficient use of this property and provides accommodation for 6 people.

6.9 Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**Local Development Plan Documents**

* 1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the local development plan, unless material considerations indicate otherwise. The development plan in this case comprises of the Greater Nottingham Adopted Aligned Core Strategy 2014 and the Nottingham City Land and Planning Policies Document Part 2, 2020.
  2. The following policies from the Adopted Aligned Core Strategy are considered to be of relevance:

Policy A: Presumption in favour of Sustainable Development;

Policy 1: Climate Change;

Policy 8: Housing Size, Mix and Choice

Policy 10: Design an Enhancing Local Identity

6.12 The Local Plan Part 2 has recently been adopted and therefore the following policies are relevant:

Policy DE1: Building Design and Use

Policy HO1 Housing Mix

Policy HO2: Protecting Dwelling houses (Use Class C3) suitable for Family Occupation

Policy HO6: Houses in Multiple Occupation (HMOs) and Purpose-Built Student Accommodation

Policy TR1:Parking and Travel Planning

**7. PLANNING PRINCIPLES**

7.1It is respectfully submitted that on review of the Councils reason for refusal of application 20/00165/PFUL3, the principal planning considerations within this appeal are:

i) Would the approval of the change of use of this C3 dwelling to a C4 House of Multiple Occupation lead to the loss of a family dwelling that would prejudice the creation and maintenance of a balanced and sustainable community.

ii) Would the proposed development as a Class C4 House in Multiple Occupation, have a materially detrimental impact on the amenities of neighbouring occupiers through increased noise and disturbance

7.2 The submissions below will seek to demonstrate that the proposed development has taken into full consideration the site constraints and has presented for approval an appropriate development that would not prejudice the creation or maintenance of a balanced and sustainable community and that the proposal would not have a detrimental impact upon the residential amenities of the neighbouring occupiers.

**8. PLANNING SUBMISSIONS**

1. **Would the approval of the change of use of this C3 dwelling to a C4 house of multiple occupation lead to the loss of a family dwelling that would prejudice the creation and maintenance of a balanced and sustainable community?**

8.1 Policy HO2 of the Part 2 Adopted Local Plan sets out that there will be a presumption against the loss of C3 dwelling houses to C4 unless, amongst other things, there is local evidence of housing need and demand indicates that an alternative mix of housing is appropriate.

8.2 Of importance in this regard is also the compliance with Policy HO6: Houses in Multiple Occupation (HMOs). Policy HO6 states:

“In assessing the development’s impact on local objectives to create or maintain sustainable, inclusive and mixed use communities, regard will be given to the following criteria:

1. the existing proportion of HMOs and / or other Student Households in the area and whether this proportion amounts or will amount to a ‘Significant Concentration’ (calculated using the methodology shown in Appendix 6) apart from PBSA within areas identified in Policy HO5 where new PBSA is encouraged;”

8.3 Utilising the Council’s HMO register which is available online on the Council’s website, an analysis was undertaken to determine the existing proportion of HMOs on Colwick Road and the surrounding area, in order to establish whether the proportion in the area would amount to a ‘Significant Concentration’. A ‘Significant Concentration’ is defined in paragraph 4.59 as 10%. The table below presents the findings for the percentage of the properties within the area registered as an HMO.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Street** | **No Of**  **Houses** | **Number of HMOs on NCC Register & Granted C4 by Planning Inspectorate & 49 Colwick Road** | **% HMOs /C4** | **% Not HMOs Family/C3 Class** |
| Colwick Rd | 215 | 11 | 5.1% | 94.9% |
| Sneinton Boulevard | 210 | 13 | 6.1% | 93.9% |
| Cosby St | 30 | 0 | 0% | 100% |
| Beckford Rd | 30 | 0 | 0% | 100% |
| Lord Nelson St | 72 | 1 | 1.3% | 98.7% |
| Thurgarton Ave | 8 | 0 | 0% | 100% |
| Thurgarton St | 40 | 1 | 2.5% | 97.5% |
| Radbourne Rd | 35 | 0 | 0% | 100% |
| Hoton Rd | 37 | 0 | 0% | 100% |
| **TOTAL:** | **677** | **26** | **3.8%** | **96.2%** |

* 1. A map attached at appendix 2 shows the area included within this search in relation to the appeal site. As can be seen from the data above, within the area immediately surrounding the application site, only 3.8% of the properties are classified as a HMO’s. 96.2% of the properties are therefore still suitable for family accommodation. It is therefore considered that the approval of the change of use of no 49 Colwick Road to an HMO would not lead to a ‘significant contribution’ of HMO’s within the locality as this falls well below the 10% figure stipulated by this policy.
  2. Paragraph 4.60 of the Local Plan states that:

“The application of a 10% threshold is considered to strike an appropriate balance between meeting HMO and student accommodation needs within the City and supporting the objective of creating sustainable, inclusive and mixed communities.”

* 1. The approval of 49 Colwick Road to an HMO would not undermine this policy aim and would ‘strike an appropriate balance between meeting HMO’ needs and ‘supporting the objectives of creating sustainable, inclusive and mixed communities’. It is considered that it has been demonstrated above that this application meets in full criterion a of Policy H02 and HO6 in this regard.
  2. In addition to the evidence above, it is important to note the relevant and recent Planning Inspectorate appeals on properties within close proximity to this site.
  3. The most recent appeal, Appeal ref: APP/Q3060/W/19/3232422, issued in October 2019, related to no 159 Colwick Road, Nottingham which is 0.2m to the east of the site and on the same road as the appeal site (See Appendix 3). The Inspector concluded that:

*“There is no evidence before me to suggest that that this particular part of the city has a high concentration of HMO’s or an imbalance of family housing. I therefore conclude the proposed development would not lead to an overconcentration of HMO development within the area and have an unacceptable effect on the availability of family housing to the detriment of a balanced and sustainable community in the locality.”*

8.9 When viewing the Nottingham City Council’s delegated report for the appeal hereby submitted for 49 Colwick Road, it is considered that again, it appears that this decision was also made with no evidence that the approval of the change of use of 49 Colwick Road from C3 to C4 use would lead to the over concentrated of HMOS or an imbalance of family housing in this local area. As with the above appeal decision, approving this appeal would not lead to an overconcentration of HMO development within the area nor have an unacceptable effect on the availability of family housing to the detriment of a balanced and sustainable community in the locality.

8.10 The Appellants evidence above, demonstrates that the appeal proposal would not lead to an imbalance of family housing within this area, with only 3.5% of the properties being within C4 use in this locality. It is therefore considered that the LPA have arbitrarily refused this application without any evidence to confirm that the proposal would be contrary to policy H02 and H06.

8.11 Furthermore, the Inspector noted that:

*“Whilst the rear of the property is constrained due to the density of the area and has a small paved rear garden, as such the appeal site would be less attractive to larger families with children given its constraints particularly from the busy main road and lack of outside amenity area, compared to other located properties within the locality”.*

8.12 It is considered that 49 Colwick Road also has a small paved patio area that would less attractive to large families in any event.

8.13 Appeal ref: APP/Q3060/W/17/3181825 relating to 13 Sneinton Boulevard which is 0.1mile to the north-west of the application site (Appendix 4). The Inspectorate concluded that:

*“I note the appellant’s evidence that the property is in an area with a low proportion of student HMOs and the Council has not disputed the figures provided. I conclude that the development would not have a detrimental effect on the maintenance of a balanced community…Whilst these policies support the provision of family house, they do not preclude the provision of other types of accommodation.”*

8.14 It is considered that in light of the evidence above, the same principle would apply to this current appeal proposal and the approval would not have a detrimental effect on the maintenance of a balanced community.

8.15 Another important and recent appeal decision was ref APP/Q3060/W/19/3227773 for no 70 Colwick Road which was allowed in July 2019 (Appendix 5). The Inspector concluded that:

*“The Planning Officer’s report acknowledged that properties along this part of Colwick Road are, with very few exceptions, in use as Class C3 family dwellings. I consider that the development does not result in an over-concentration of HMO’s in the area and as a consequence, it does not lead to an unacceptable loss of family accommodation.”*

8.16 This appeal decision again adds weight to this appeal and should be a material planning consideration in the determination of this appeal.

8.17 Whilst the Local Plan Part 2 has been adopted since these appeal decisions, it is considered that the principles of policy HO2 and HO6 is not dissimilar to the previous policy regarding HMO’s. The previous policies are attached at appendix 6. Importantly, the Inspector in appeal reference APP/Q3060/W/19/3227773 stated that whilst at the time of the appeal, policy HO2 had limited weight, the Inspector noted that “the policy largely replicates the existing adopted policies” in any event. Therefore, although the Part 2 Local Plan has been adopted since this appeal decision, these appeal decisions still hold weight as the same principles apply.

8.18 It is also noted that the Council have accepted other C3 to C4 applications (without the need to appeal) on the basis of the area having a very low number of HMO’s in that area. The Delegated Report for 10 Sedgley Avenue, under application reference 18/00505, states that the Council accepted the development on the basis of there being a

*“very low number of multiple occupancy properties in the area it is not considered that use as an HMO would detrimentally impact on the sustainability and balance of the community. It is also understood (although firm evidence does not exist), that the property has been rented out for many years, commonly as an HMO rather than a C3 dwellinghouse. The proposal is therefore considered to comply with Aligned Core Strategy Policy 8 and Local Plan Policy ST1”.* (Nottingham City Council, 2018) (See Appendix 7).

8.19 This application for no 49 Colwick Avenue, is similar to the above and it is trusted that for matters of consistency that the same principles will apply.

8.20 Criterion b) of Policy HO2 also states the change to an HMO may also be appropriate if “the proposed development fulfils other regeneration aspirations of the City Council.” Paragraph 4.23 accompanying this policy states that:

“an exceptional circumstance will be where an alternative form of development would fulfil regeneration aspirations endorsed by the City Council or where alternative provision meets other housing priorities of the City Council as set out in the Housing Strategy for the City “Quality Housing for All”

8.21 The Housing Strategy for the City “Quality Housing for All” (See Appendix 8) states at page 3 that the

“Housing Nottingham Plan to deliver effective housing interventions across all tenures. “

8.22 Whilst it is understood that there is a need to retain family accommodation across the city, there is also a need to housing of varying tenures and it is considered that there is a lack of high quality accommodation suitable for professionals and graduates to meet the needs of local and national businesses within the locality.

8.23 Page 20 states that:

“… good quality and well-managed private rented sector provides younger professionals with the flexibility they need as well as increasing the sector’s contribution to providing households across the spectrum with a quality home, thus reducing pressures on social rented provision. “

It is considered that this application, assists in achieving this aim.

8.24 Page 34 states:

“Within the Council Plan there is an objective to “deliver housing options to meet the needs of students and young people who want to stay in Nottingham”. Graduate retention is a priority for the city, as compared to other major university cities it has a low retention rate. Whilst the main driver for graduates in determining whether they remain in Nottingham is employment opportunities, it is important that there is also an attractive housing offer. The most likely destination tenure for this group is the private rented sector. Therefore, our efforts to improve the quality of the PRS as shown in theme two, and the development of new build to rent homes will contribute to this.”

8.25 The high-quality accommodation proposed by this application would meet in full this identified need. This would provide ideal accommodation for graduated students who have gained professional employment and wish to stay in higher quality rented accommodation within easy reach of their place of work. Each room will be privately rented, and the rent will include the weekly cleaning maintenance and all bills. This therefore would provide high quality, yet affordable accommodation and would support the aim of graduates staying in the city after university.

8.26 It is considered therefore that this application also meet criterion b) of Policy HO2 as it would fulfils other regeneration aspirations of the City Council.

1. **Would the proposed development as a Class C4 House in Multiple Occupation, have a materially detrimental impact on the amenities of neighbouring occupiers through increased noise and disturbance?**

8.27 Criterion 2e of Policy HO6 sates regard will be had to whether the proposal would incorporate adequate management arrangements, and an appropriate level of car and cycle parking having regard to the location, scale and nature of the development.

8.28 The Council’s HMO team have issued a draft license approving the amenity standards, so it considered that the property is of adequate size, and with appropriate facilities, to provide an acceptable standard of accommodation for future occupants.

8.29 The LPA’s Delegated report inaccurately states

“Additionally it is noted that the property is located within a quiet residential street of mostly 3 bedroom family houses, served by narrow roads.”

Colwick Road is fairly busy road, main route and could not be classed as a quiet residential street. There it is considered that this assessment is inaccurate,

8.30 Furthermore, the Delegated Report states:

“The use of this property as a 3-6 bed HMO would potentially result in an adverse impact on neighbouring amenity due to: - increased noise and antisocial behaviour (ASB); poorly maintained properties and inappropriate management of waste disposal; a high turnover or occupants.”

The Appellants Planning Statement submitted for consideration with the application made it clear that he will personally manage the property and the property will be professionally cleaned on a weekly basis. The application will include a large bin storage area to the rear of the property which can be screened, and bins can be wheeled to the road on bin collection day. This will avoid any unsightly bin storage to the property’s road frontage.

8.31 It is understood that with HMO’s there is concerns regarding low level anti-social behaviour, noise issues, problems with litter, waste disposal and property maintenance.

8.32 As set out above, the property has been renovated to a very high standard as is evidenced in the photos in Appendix 1. Due to the high quality and cost of the renovations, the Appellant is restricting its occupants to professionals only. The Appellant will personally manage the property and the property will be professionally cleaned on a weekly basis. This will include the management of the external waste areas to ensure that waste is managed appropriately does not become an issue for neighbouring occupiers. The proposal also includes building of a bin-store in the back yard of the property to ensure bins are kept neatly out of sight.

8.33 The Appellant has also ensured that he has introduced himself and has given his contact details to the neighbours who are then able to identify any issues that may arise. It is unlikely that noise would be an issue with the proposed occupiers being restricted to professionals only and is likely to be less than if the property was occupied by a family. Although the occupants can not be restricted to professionals, it is noted that this area is not suitable for students due to the distance from the universities and therefore there is unlikely to be any demand for student occupiers. The Appellant does not wish for the rooms to be occupied by students in any event due to the high cost of renovation. The proposal therefore meet criterion e) of policy HO6 in relation to appropriate management arrangements.

8.34 In addition, it is not considered that the LPA’s position that

“As a Class C4 HMO is likely to generate more cars than a C3 family dwelling, and given that there is only sufficient capacity for just two vehicles to park in front of the dwelling within the curtilage of the property and that the proposal could accommodate between 3-6 occupants, neighbouring residents amenity could be impacted upon through increased on-street car parking in the area.”

is correct or would justify the refusal of this application.

8.35 Colwick Road provides ample unrestricted, on-street parking to serve the HMO. However, due to the nature of the occupiers and the close proximity to the city centre and other business areas the occupiers are unlikely therefore to use a car and are likely to walk, use public transport or use a bike. A bicycle storage area is therefore proposed to be provided within the rear garden area in order to encourage sustainable transport. The proposal therefore complies with parking and cycling requirements as set out within criterion e) of Policy HO6.

8.36 Furthermore, due to the lack of the use of the car by the occupants, it is unlikely that the proposal would result in greater comings and goings or a more intensive use of the property than a family home. Therefore, the proposal would not result in a significant adverse effect on the living conditions of neighbours as a consequence of noise and disturbance. Any possible vehicle usage would be accommodated within the unrestricted on street parking along Colwick Road. Therefore, the proposal is in this way considered to be compliant with policy HO6 in this regard.

8.37 In support of this application, it is also noted that following the statutory consultation period for the planning application, there have been two letters of support from the neighbours who do not object to the approval of this application.

8.38 In addition to the above and also in support of this application, it should also be noted that in the appeal decision ref APP/Q3060/W/19/3227773 (see appendix 5) for no 70 Colwick Road which was allowed in July 2019, the Inspector stated that:

“Whilst the intensity of the use, including the use of the bedrooms, may differ from that of a single family house, I do not consider that the change to a small HMO use is likely to materially affect the amenities of neighbour’s, since the use of the house by a single family could generate the same amount of activity, noise and disturbance in and around it”

8.39 Furthermore, Appeal ref: APP/Q3060/W/17/3181825 relating to 13 Sneinton Boulevard (see appendix 4) which is 0.1mile to the north-west of the application site, the Inspectorate stated,

“There is no real evidence that the comings and goings to and from the property would necessarily be any more frequent than they would be if the house were inhabited by a family”

8.40 More recently the Inspector relating to appeal reference APP/Q3060/W/19/3232422 for 159 Colwick Road, Nottingham (See appendix 3) which is on the same street as the hereby submitted appeal site, stated:

“I consider the proposed development would not be dissimilar to that of a large family, particularly one with parents, relatives, young and older children all living together, and that the noise and disturbances would be similar in terms of coming and goings at the property.”

8.41 It is considered that the appeal hereby submitted is similar in nature to that proposed by these appeal decisions above and therefore this add support to the appeal.

**9. CONCLUSION**

9.1 The above Appeal Statement has sought to present the Appellants case for the residential development as submitted and demonstrate that the application is acceptable, fully in compliance with the Framework and the relevant Local Plan policies and that there are no material planning considerations that would justify a refusal of the application.

9.2 The Statement provides the justification for the application as submitted and it has been demonstrated above that the principle of the change of use of this property from a C3 dwelling house to a C4 HMO is acceptable and is fully in accordance with the relevant policies as set out within the NPPF and the Adopted Core Strategy and Local Plan Policies.

9.3 The site is located within a highly sustainable area having access to the majority of the key facilities and has direct access to the public transportation network. Adequate parking can be provided within the adjacent highways and in any event the site is sustainably located and accessible to all key facilities by modes of transport other than the car.

9.4 The site will bring forward much needed, high quality rented accommodation for the City in accordance with its identified housing/regeneration needs.

9.5 It has been demonstrated that there is a very low number of multiple occupancy properties in the area and it is not considered that use as an HMO would detrimentally impact on the sustainability and balance of the community. It is also noted (although firm evidence does not exist), that the property has been rented out for many years, commonly as an HMO rather than a C3 dwelling house. The proposal is therefore considered to comply with Aligned Core Strategy Policy 8 and Local Plan Policy HO2 and HO6.

9.6 The proposal does not detrimentally impact upon residential amenity of existing or proposed residential properties.

9.7 The development as proposed will bring a positive benefit for the site and the wider area and accordingly the appeal should be allowed.

**APPENDIX 1**

**PHOTOS OF 49 COLWICK ROAD**



**APPENDIX 2**

**MAP OF SEARCH AREA FOR HMO’S**

**APPENDIX 3**

**APPEAL REF:**

**APP/Q3060/W/19/3232422**

**APPENDIX 4**

**APPEAL REF:**

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**APPENDIX 5**

**APPEAL REF:**

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**APPENDIX 6**

**PREVIOUS NOTTINGHAM CITY LOCAL PLAN 2005**

**APPENDIX 7**

**DELEGATED REPORT FOR APPLICATION**

**18/00505**

**APPENDIX 8**

**THE HOUSING STRATEGY FOR THE CITY “QUALITY HOUSING FOR ALL”**