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## Appeal Decision

Site visit made on 14 July 2020

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

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### Appeal Ref: **APP/Q3060/W/20/3250938**

#### **49 Colwick Road, Nottingham NG2 4AL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Smith against the decision of Nottingham City Council.
  - The application Ref 20/00165/PFUL3, dated 27 January 2020, was refused by notice dated 23 March 2020.
  - The development proposed is change of use from a C3 dwelling house to a C4 house in multiple occupation.
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### Decision

1. The appeal is allowed and planning permission is granted for the change of use from a C3 dwelling house to a C4 house in multiple occupation at 49 Colwick Road, Nottingham NG2 4AL in accordance with the terms of the application, ref 20/00165/PFUL3 dated 27 January 2020 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Streetwise site location plan, Streetwise site location plan with bin store and cycle store, existing and proposed floor plans.
  - 3) Prior to the occupation of the development hereby approved details of the provision of covered and secure cycle parking facilities and bin storage facilities within the rear yard of the property shall be submitted to the Local Planning Authority for their written approval. The covered and secure cycle parking facilities shall be provided in strict accordance with the approved scheme details and available for use prior to the implementation of the C4 house in multiple occupation use hereby permitted. Thereafter these facilities shall be maintained in perpetuity.

### Main Issues

2. The main issues are the effect of the proposed development on:
  - a) the loss of a family sized dwelling on the wider need to create and maintain a balanced and sustainable community, and;

- b) the living conditions of the neighbouring properties with regard to noise and disturbance

## **Reasons**

### *Family dwelling*

3. Policy 8 of the City Aligned Core Strategies Part 1 Local Plan (ACS) adopted September 2014 places an emphasis on providing family housing. The implementation of Policy 8 is supported by Policies HO1 and HO2 of the Land and Planning Policies Development Plan Document - Local Plan Part 2 (January 2020) (LAPP). Policy HO1 states that where sites are capable and suitable of accommodating family housing such development will be encouraged. The text to the policy explains that as Nottingham City Council has a proportion of homes suitable for families that is below the national average, if a site is capable and suitable for accommodating family houses and its location is appropriate, then the development should deliver family houses as opposed to other forms of residential accommodation.
4. The policy identifies that the problem of the provision of family housing is exacerbated by many family houses being occupied as Houses in Multiple Occupation (HMOs). In terms of Policy HO1 a larger family house is likely to have four or more bedrooms and have a private enclosed garden.
5. Policy HO2 sets out a presumption against the loss of dwelling houses (Use Class C3) for family occupation, including through the conversion to Use Class C4. Exceptions to this presumption include where local evidence of housing need and demand indicates that an alternative mix of housing is appropriate, where alternative provision meets other housing priorities or other regeneration aspirations or where an applicant can demonstrate that the property is no longer suitable for family occupation.
6. The appellant indicates that the property has been in multiple occupation since 2001 and the layout reflects this. The current owner upgraded the property but has not changed the layout. Although there is not enough documentary evidence to support an application for a lawful development certificate, I would agree that the layout before me is akin to that adopted for houses in multiple occupation.
7. The appellant also indicates that the occupation of the dwelling would fulfil other regenerative aspirations of the Council. The appellant refers me to the housing strategy for the City 'Quality housing for all'. This document is referenced in the justification for Policy HO2. The appellant asserts that the HMO would fulfil a market for graduate and young professionals. I agree that, amongst other priorities, the housing strategy does support the provision of private rented accommodation for this sector of the community and this is a housing priority.
8. The appellant indicates, and I saw at my site visit, that the accommodation is of a high standard to attract young professionals. The appellant further points out that the appeal property is away from the university campus and is not an obvious location for student housing. However, in the absence of a mechanism to control the occupancy of the property to graduates or professionals I can attach only limited weight to the possibility that the site would meet other

- regeneration aspirations although I accept that there may be a demand for such properties.
9. I have been directed to an appeal dealt with by my colleague for a similar property on Colwick Road<sup>1</sup>. I agree that when compared to other properties within the area the appeal property would be less attractive to larger families with children due to the busy road to the front of the site and the limited outside amenity space.
  10. The purpose of Policy HO2 is to address the shortage of family homes and encourage the provision of inclusive and mixed communities. Taking the above matters together I am satisfied, that an exception to the presumption against the loss of dwelling houses for family occupation has been evidenced and the proposal would accord with Policy HO2 of the LAPP.
  11. Policy HO6 of the LAPP states that the changes of use of a building to create an HMO will only be granted where it does not conflict with Policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities. The policy sets out a number of criteria to have regard to when assessing the impact of HMO proposals on local objectives including the existing proportion of HMO's in the area and whether this will amount to a 'significant concentration'. Appendix 6 of the LAPP indicates that a percentage of 10% or more will determine that the area concerned has a 'Significant Concentration'
  12. The appellant has provided evidence using the Council's HMO register that indicates that none of the streets around the appeal site have a concentration of greater than 10%. In fact, many have no HMO accommodation and Colwick Road is shown to have approximately 5%. Based on the evidence before me the proposal would not therefore result in a 'significant concentration' of HMO's in the area.
  13. Consequently overall, I consider the loss of a family sized dwelling would not harm the wider need to create and maintain a balanced and sustainable community and would accord with Policy 8 of the ACS and Policies HO1, HO2 and HO6 of the LAPP. It would also accord with the National Planning Policy Framework where it seeks to ensure that the size, type and tenure of housing needed for different groups in the community be assessed and reflected in planning policies.

#### *Living Conditions*

14. The appeal site is an end of terrace three storey property in a row of similarly designed houses on Colwick Road, a relatively busy, wide road serving a mix of residential and commercial development. The property has access to a small yard via a side passage that leads to the rear of the property. The rear yard is enclosed by an adjacent extension and high fencing. It has enough room to provide for bin and cycle storage and provide a small external area for sitting out and drying clothes.
15. The layout indicates that the HMO would be six bedrooms. Taking into account the potential for each occupant to have individual schedules, deliveries and visitors there is likely to be some intensification of the properties use when compared to a family house. Parking outside the site is unrestricted and the

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<sup>1</sup> APP/Q3060/W/19/3232422

property is located where services and facilities are accessible by other means than the car and where passing traffic and pedestrian activity would be expected. In the site context visitors to the property are unlikely to add significantly, or be distinguishable from, other traffic and pedestrian movements in the vicinity. Further, the property is sufficiently contained to the rear to operate without detriment to its immediate neighbours.

16. Consequently, I consider that the proposal would not harm the living conditions of the neighbouring properties with regard to noise and disturbance and would accord with the requirements of Policy 10 of the ACS and Policies TR1 and DE1 of the LAPP. These policies seek to ensure that development creates attractive, safe and healthy environments by among other things assessing development in terms of its impact on the amenity of nearby residents and ensuring satisfactory modes of travel to minimise the use of the car and adverse effect to neighbouring properties.

### **Conditions**

17. In the absence of any suggested conditions from the Council, I have imposed the standard time limit on the commencement of the development and one to identify the approved plans, these are necessary in the interests of providing certainty. I have also conditioned the provision of the cycle store and bin storage proposed to be located in the rear yard to ensure that alternative modes of travel than the car are prioritised and to ensure that the development will function well and add to the overall quality of the area.

### **Conclusion**

18. For the reasons given above, the appeal is allowed.

*Diane Cragg*

INSPECTOR