

Report of the Chief Executive

APPLICATION NUMBER:	21/00909/FUL
LOCATION:	116 Marlborough Road, Beeston, Nottinghamshire, NG9 2HN
PROPOSAL:	Change of use from residential (C3) to seven bedrooomed housing in multiple occupation (sui generis). Construction of cycle storage, gates and driveway

Councillor S J Carr has requested this application be determined by Planning Committee.

1 Executive Summary

- 1.1 This application seeks permission to change the use of the property from a residential use (Class C3) to a house in multiple occupancy (Sui Generis). Extensions have been previously built but this application does not propose any further extensions. Cycle storage, timber gates and a driveway will be constructed.
- 1.2 The main issues relate to whether the principle of the change of use from residential (Class C3) to a seven bedrooomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.
- 1.3 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and parking, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.
- 1.4 The Committee is asked to resolve that planning permission be granted subject to the conditions outlined in the appendix.

APPENDIX

1 Details of the Application

- 1.1 This application seeks permission to change the use of the property from a residential use (Class C3) to a house in multiple occupancy (Sui Generis). Extensions have been previously built but this application does not propose any further extensions.
- 1.2 The existing layout consists eight bedrooms (three with en-suites), two kitchen/diners and a bathroom. The proposed layout would consist of two kitchen/diners, a lounge, seven bedrooms (three with en-suites) and a bathroom.
- 1.3 Part of the rear garden will be used to accommodate four cars beside the side boundary with no. 17 Hetley Road. Cycle storage for five bikes will be provided to the rear of the property. A timber gate will be constructed to provide access from the driveway onto Hetley Road.
- 1.4 During the course of the application the scheme was amended to reduce the number of bedrooms from eight to seven and reposition the cycle storage away from the boundary with no. 114. The driveway materials were updated to show it would be block paved and timber gates were included (which will match the existing fence).
- 1.5 An application to retain two/single storey extensions, a canopy roof, hard standing, boundary fence and render (21/00386/FUL) was granted permission in August 2021. This application included seven bedrooms but it was confirmed by the applicant this would be for a family home. However, it is understood that the property is currently operating as a house in multiple occupancy for six residents.

2 Site and surroundings

- 2.1 The application site is on a corner plot and comprises an end terrace dwelling with hipped/gable roof, extended to the side and rear (two/single storey). It is finished with yellow smooth render and has red concrete roof tiles. It has smooth concrete hard standing surrounding the front, rear and side.
- 2.2 The site is enclosed by a 1.5m high fence and has a rear garden which adjoins Hetley Road.

3 Relevant Planning History

- 3.1 An application to retain two/single storey extensions, a canopy roof, hard standing, boundary fence and render (21/00386/FUL) was granted permission in August 2021.
- 3.2 An application (19/00791/FUL) to retain two/single storey extensions, boundary fence, hard standing area and sub-division of property to create additional dwelling unit was refused in September 2020. The reasons for refusal were based on the proposed new dwelling resulting in the unsatisfactory subdivision of a residential plot resulting in an over intensive use of the site which would be out of character

by reason of its limited curtilage and an insufficient footprint coupled with small bedrooms providing a substandard level of amenity for future occupants.

The decision was appealed and dismissed.

The Inspector agreed that the development was harmful to the character and appearance of the area, did not integrate into its surroundings and did not reflect features of other properties in the adjoining terraces.

- 3.3 A revised application (18/00257/FUL) for a single storey front and rear extension and two storey side and rear extension was refused permission in July 2018. The reason for refusal was as follows:

The size and design of the proposed extensions would result in a disproportionate addition to the property which would be unduly prominent due to the corner plot location and accordingly, would be harmful to the character and appearance of the street scene of Marlborough Road and Hetley Road. In addition, the height and projection of the two storey rear extension would be overbearing and have an unacceptable impact on the amenity of the occupiers of no. 114 Marlborough Road. The proposed development, therefore, would be contrary to the aims of Policy H9 of the Broxtowe Local Plan (2004), Policy 10 of the Broxtowe Aligned Core Strategy (2014), Policy 17 of the Draft Part 2 Local Plan and the National Planning Policy Framework (2018).

The decision was appealed and dismissed.

The Inspector considered the main issues to be the effect the proposed extension would have on the character and appearance of the host property and the street scene and the impact of living conditions on the adjoining neighbours, no. 114 Marlborough Road.

- 3.4 An application (17/00116/FUL) for a two storey side and single/two storey rear extension was granted permission in September 2017 at Planning Committee. During the course of this application, amendments were sought to reduce the scale of the extensions. The two storey side projection was reduced by 1.4m and the projection beyond the rear was reduced by 2.2m. It was considered that the extension was negotiated to an acceptable size for this end terrace dwelling, given its large plot.
- 3.5 A revised application (10/00181/FUL) was submitted including minor reductions to the size of the extensions. However, it was still considered the extensions were too large and the revised scheme was refused based on the same reasons as stated in the refusal for application: 09/00262/FUL.
- 3.6 An application (09/00262/FUL) for a two storey side, single storey rear extensions, dormer windows, detached garage, front and side boundary wall and canopy to the front elevation was refused in November 2009. The reason for refusal was based on the height, size and bulk of the two storey side extension having an overbearing impact on the occupiers of no. 114 Marlborough Road, causing an unacceptable loss of amenity and being unduly prominent on this corner plot to the detriment of the appearance of the street scene.

4 Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

4.1.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan**

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2 – Achieving Sustainable Development
- Section 4 – Decision-making
- Section 12 – Achieving Well-designed Places

5 Consultations

5.1 **Councils Environmental Health Officer:** no objection.

5.2 **Council’s Private Housing Officer:** Proposal for eight bedrooms is not possible as the ground floor bedroom with en-suite in the front corner of the house would require the adjoining wall with the hallway to be blocked off which would subdivide the house.

5.3 10 neighbouring properties were consulted on the application and three objections were received which can be summarised as follows:

- Dangerous corner and busy junction for an eight-bedroom property
- Impending Article 4 Direction highlights erosion of character in area
- Beeston will be turned into a student city
- Loss of family homes
- Highway safety risks, pollution and noise from additional vehicles
- Unsure how onsite parking will work
- Increase in noise and disturbance from additional tenants
- Cycle store is blocking the right of way to neighbouring properties

6 Assessment

6.1 The main issues relate to whether the principle of the change of use from residential (Class C3) to a seven bed roomed HMO (Sui Generis) would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours and impacts on parking.

6.2 Principle

- 6.2.1 The property is located within a residential area with a mix of different housing tenures comprising flats, family homes, houses in multiple occupancy. The site is located within walking distance of Beeston town centre which provides access to regular bus and tram links.
- 6.2.2 The site is within an urban, sustainable location with access to regular transport links and provides additional space in a property. The previous application 21/00386/FUL approved seven bedrooms as part of the application; however, this was not for change of use and was for a family home. Whilst it is understood that the property is being occupied by six residents within a HMO use, this application seeks a change of use to a seven bedroomed HMO which is still considered to be acceptable.
- 6.2.3 It is acknowledged that a number of properties in the area have been changed into houses in multiple occupancy and the Article 4 Direction to remove permitted development for houses to convert from three to six unrelated residents living together without the need to apply for a change of use. However, there are no policies that currently restrict this change of use and given the location being within walking distance to Beeston town centre which enables a quick connection to Nottingham University, it is considered the principle of the change of use is acceptable. Furthermore, there are still a large number of properties in the surrounding area that are occupied by families.
- 6.2.4 To conclude, this development would add to the housing mix and it is considered that the character of the area would not be harmed given the proximity to Beeston town centre and there being a large number of family homes still occupying the surrounding area. The site is within walking distance of Beeston town centre which reduces the reliance on private car ownership. No external changes are proposed. The principle of the development is therefore considered to be acceptable.

6.3 Amenity

- 6.3.1 The property that will be mostly impacted by the change of use is no. 114 Marlborough Road. It is acknowledged there would be an increase in residents, as six currently reside here and there would be an additional resident. However, the previous application (21/00386/FUL) granted approval for a seven bedroom family home which is the same number, therefore the principle is established. Three bedrooms adjoined the shared wall with no. 114 under the 21/00386/FUL and this will remain the same. Whilst it is acknowledged this application is to permit unrelated residents living together, it is considered the addition of another resident would not cause a significant increase in noise and disturbance to this neighbour or any other surrounding neighbours. Furthermore, Marlborough Road being a cut through road in Beeston will already experience a degree of noise and disturbance being close to the town centre.
- 6.3.2 As the property is on a corner plot, it is considered it is sufficient distance from all other surrounding properties that there will not be a significant impact on their amenity by the proposed change of use.

6.3.3 To conclude, it is acknowledged there will be some impact on the amenity of surrounding neighbours. However, it is considered this would not be significant enough to warrant refusal. The site is located on a cut through road and junction that a degree of noise and disturbance will already be experienced by neighbours that this would unlikely increase this to an unacceptable level. It is therefore considered the impact on the neighbours will be acceptable.

6.4 Design

6.4.1 No external changes are proposed to the property but a parking area and cycle store are proposed.

6.4.2 The proposed driveway area will be constructed from block paving and is considered to be acceptable.

6.4.3 The cycle parking will have space for five bikes and is considered to reflect an acceptable design.

6.5 Parking

6.5.1 The site is within walking distance of Beeston town centre and is in close proximity to the tram and regular bus services along High Road. Car ownership associated with this property is likely to be low; however, there is parking for four cars to the rear of the property which is considered to be acceptable.

6.5.2 The rear car parking spaces will be accessed from Hetley Road. An existing dropped kerb would provide access and if this needed to be extended, the Highways Authority would be required to be notified to approve the works.

6.5.3 Environmental Health has not raised any objections in regards to the potential for noise and pollution associated with the property or potential for increase in vehicles. It is considered this would not warrant a reason for refusal.

6.6 Other

6.6.1 Maintaining access or rights of way to other properties is a legal matter and not a material planning consideration.

7 Planning Balance

7.1 The benefits of the proposal are that it would provide additional space in an existing house which will contribute to the mix of housing in the area. Although there will be some impact on neighbour amenity and parking, it is considered this will not be detrimental. The change of use would not appear out of character with the surrounding area that would be in accordance with policies contained within the development plan which is given significant weight. On balance, the scheme is acceptable and should be approved.

8 Conclusion

- 8.1 To conclude, it is considered the change of use is acceptable and there would not be a significant impact on the amenity of surrounding neighbours, or traffic/parking in the area and therefore the application should be approved.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with drawings:</p> <p>Received by the Local Planning Authority on 9 February 2022:</p> <ul style="list-style-type: none"> • 116-PL02 Rev C <p>Received by the Local Planning Authority on 10 February 2022:</p> <ul style="list-style-type: none"> • 116-PL02 Rev D <p><i>Reason: For the avoidance of doubt.</i></p>
NOTES TO APPLICANT	
1.	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>

Map



Legend

 Site Outline

Photos



South west (front) elevation



North east (rear) elevation



North east (rear) elevation



North west (side) elevation

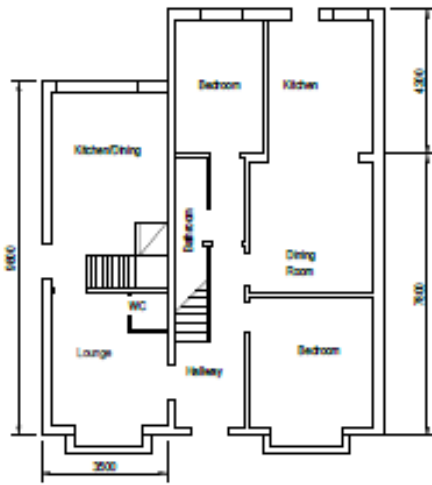


View facing south west along Hetley Road



View facing north west along Marlborough Road

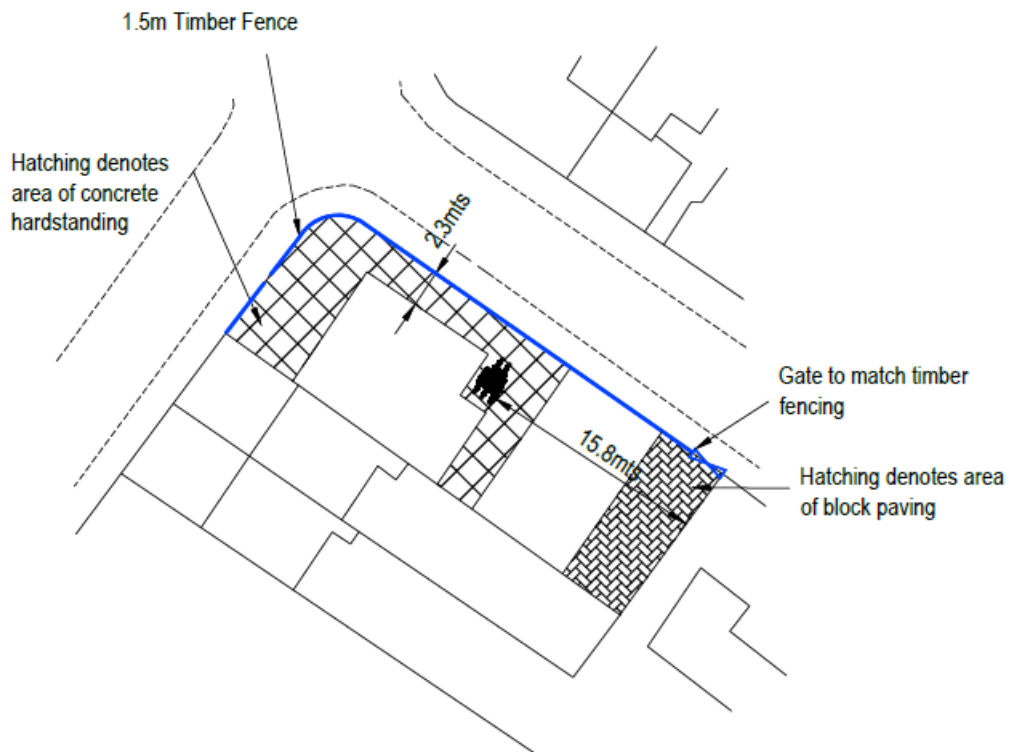
Plans (not to scale)



GROUND FLOOR PLAN
1:100



FIRST FLOOR PLAN
1:100



SITE BLOCK PLAN
1:500