

Report of the Chief Executive

APPEAL DECISION

<b>APPLICATION NUMBER:</b>	<b>21/00052/FUL</b>
<b>LOCATION:</b>	<b>150 Queens Road, Beeston, Nottinghamshire, NG9 2FF</b>
<b>PROPOSAL:</b>	<b>Change of use of the existing residential property (Class C3) to a seven bedroomed HMO</b>

**APPEAL ALLOWED AND COSTS AWARDED**

The application was recommended for planning permission at Planning Committee on 3 November 2021. The Committee resolved to refuse planning permission for the following reasons:

*1. The change of use would lead to an intensification of the site due to the number of residents occupying the dwelling which would have a detrimental impact on surrounding neighbours, the character of the area and result in parking problems. This would be contrary to the aims of Policies 15 and 17 of the Part 2 Local Plan (2019) and Policies 8 and 10 of the Broxtowe Aligned Core (2014) and the NPPF (2021).*

The Inspector considered the main issues were the effect on the character of the area, the effect on the living conditions of neighbouring occupants with regards to noise and disturbance and the effect on car parking in the area.

*Character*

The Inspector recognised that the site is located within a busy urban area close to commercial uses and public transport. No evidence to suggest that the change of use would have a detrimental impact on the existing character of the area, particularly given the mix of uses in the area. Therefore, it was concluded the impact on the character of the area would not contravene relevant policy. The patterns of behaviour of the occupants may be different to that of families but the development would be small in scale. There is little to indicate that the number of residents on the site would have a significant harmful impact on living conditions of the immediate surrounding residents, as suggested by the Council. In addition, there is no reason to doubt what the appellant says about the management policy with tenancy agreements to avoid any anti-social behaviour or disorder.

*Parking*

The Inspector acknowledged that the parking proposed on site would likely accommodate two cars and not four but as the site is in an accessible location, it was concluded this was sufficient.

*Living Conditions*

The Inspector accepted the majority of the conditions put forward by the Council but amended these where necessary. A condition in respect of securing the Travel Plan was included.

*Other*

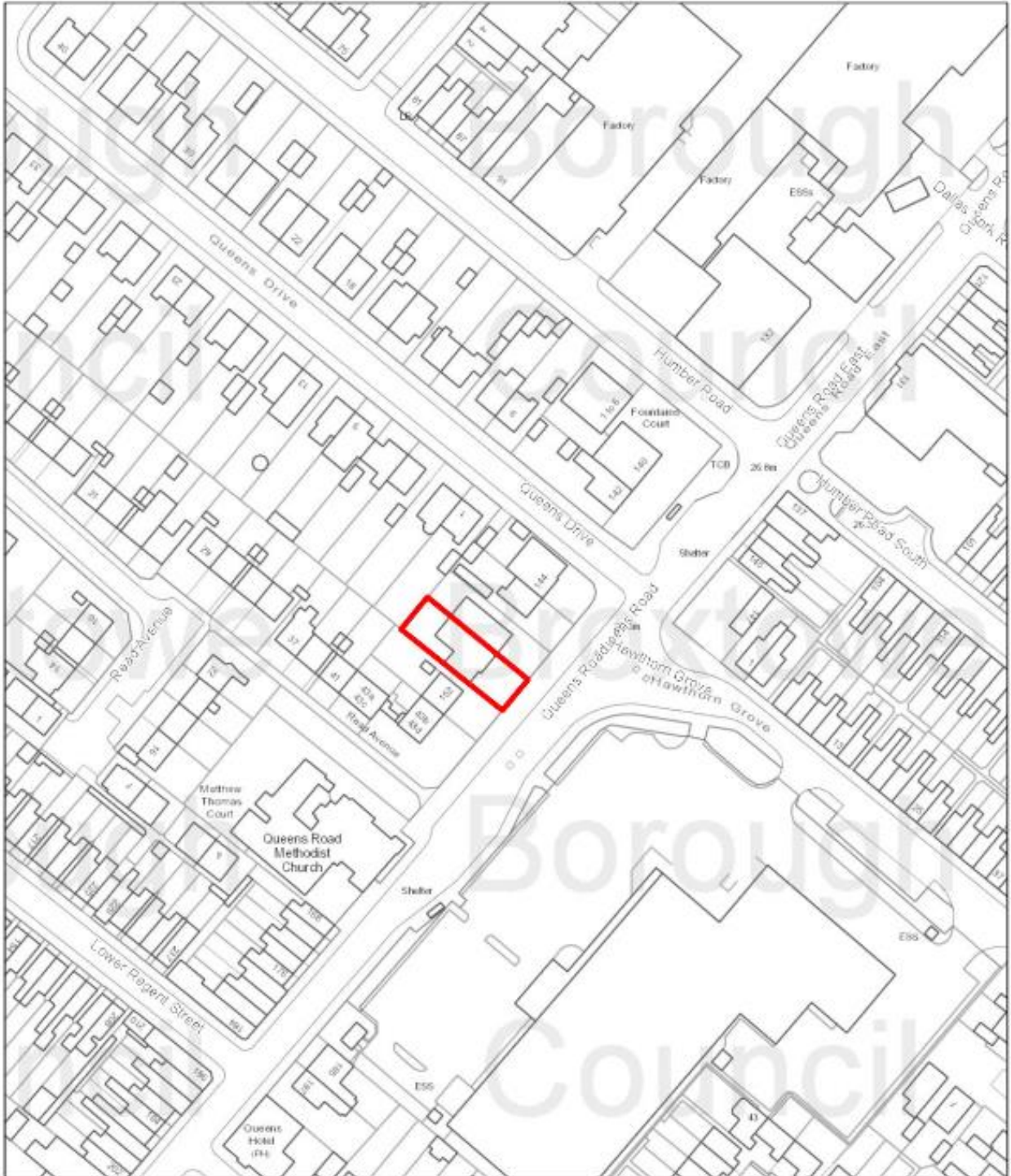
The Inspector stated the following in relation to the principle of HMO's in the area: *"The Council has identified that granting planning permission would set a precedent to increase the number of properties being used as HMOs. Whilst there is a theoretical possibility of further applications, each case is determined on its own merits. I have found that in this specific case the proposal to create a 7 bedroomed HMO would not cause harm. However, it is open for a different conclusion to be reached in other cases, depending on the specific circumstances of a proposal."*

**COSTS AWARDED**

The Inspector stated that the Council has provided little information to explain the reasons for refusal. The Council refers to Policy 8 of the Aligned Core Strategy (2014) but there is little evidence to demonstrate how specifically the presence of HMO's has impacted the area of appeal site. The Council has not identified how and why the proposed occupation of the appeal property by 7 people would contribute to or exacerbate any existing harm that there may be in the Queens Road area, particularly in relation to the effect on the occupants of neighbouring properties, the character of the area or car parking.

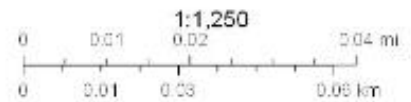
The Council has made generalised assertions unsupported by any objective analysis and as such has not provided evidence to substantiate the reasons for refusal. The Council took a different view to officers in refusing the planning application which they are entitled to do. Nevertheless, in refusing the planning application the reasons should have been justified and this has not been done.

21/00052/FUL 150 Queens Road, Beeston Nottm



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 Site



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