

Report of the Chief Executive

APPLICATION NUMBER:	23/00141/FUL
LOCATION:	2 Gwenbrook Road, Chilwell, Nottinghamshire NG9 4AZ
PROPOSAL:	Retention of two storey side/rear, single storey front and rear extensions, boundary fence and loft conversion with rear dormer. Change of use of resulting building to 5 bed HMO and 1 bed apartment.

Former Councillor E Kerry has requested this application be determined by Committee on behalf of former Councillor P Roberts-Thompson. The request was made prior to the Elections of 4 May 2023, when both were in office.

1.1 Purpose of the Report

The application seeks planning permission for the retention of two storey side/rear, single storey front and rear extensions, boundary fence and loft conversion with rear dormer. Change of use of resulting building to 5 bed HMO and 1 bed apartment. This is a revised application.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission is granted subject to the conditions outlined in the appendix.

1.3 Details

1.3.1 The application seeks planning permission to retain two storey side/rear, single storey front and rear extensions, boundary fence and loft conversion with rear dormer. Change of use of resulting building to 5 bed HMO (House in Multiple Occupation) and 1 bed apartment. This is a revised application as a two storey side/rear, single storey front and rear extensions and loft conversion with rear dormer benefit from planning permission as granted under reference 22/00274/FUL. Before any changes, the dwelling house would have had rights under Permitted Development Class L to change the use from a dwelling house to a small HMO and vice versa. The application relates to the retention of the extensions as built and a change of use to 5 bed HMO and a self-contained 1 bed apartment.

1.3.2 The dwelling is semi-detached and is situated on a corner plot.

1.3.3 The main issue relates to whether the revised changes in terms of design and scale of the development would be acceptable; whether there is adequate amenity for the future occupiers; whether there would be an acceptable impact on neighbour amenity; and whether there would be an acceptable impact on highway safety.

1.3.4 The benefits of the proposal are that it would regularise changes that have been made during the development granted on planning permission 22/00274/FUL and the separation of one room to a self-contained apartment. The development would retain an extension to an existing residential dwelling and the change of use would contribute to the mix of housing in the area, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. The revised proposal is considered to have no significant negative impacts, when compared to what has already been approved. So on balance it is considered that the scheme is acceptable.

1.3.5 As the development has approval on 22/00274/FUL, a refusal of this application would mean that the development has to revert to the previously approved plans and would also have to restore internal access to the currently self-contained ground floor bedroom for the development to be considered to fall within Permitted Development for a small HMO.

1.4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.7 Climate Change Implications

Any climate change implications will be noted within the report.

1.8 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 The proposal is to retain extensions and alterations that have been made during the construction of the development approved under planning reference 22/00274/FUL, which was for two storey side/rear, single storey front and rear extensions, a boundary fence and loft conversion with rear dormer. The application also includes a change of use from a dwelling house (Use Class C3) due to the separation of one bedroom resulting in a change to a 5 bed HMO (Use Class C4) and a self-contained 1 bed apartment on the ground floor. At the front, there is a porch which connects to the front of the side extension with a lean-to roof, with an eaves height of 2.5m and an overall height of 3.2m. The porch and the front of the side extension have doors and this part of the development protrudes 1.2m forward of the existing front elevation. Above the single storey side part, the first floor elevation is setback 0.5m behind the existing front elevation, the two-storey side extension extends along the existing side elevation and beyond the existing rear elevation forming a two-storey rear extension, this in turn connects to a single storey rear extension, and have a depth of 1.4m beyond this original rear elevation. The two storey side/ rear extension has a hip roof which adjoins a hip to gable of the existing roof, with the side roof set down by 1.5m. The rear part of the side extension has a lower rear hip roof. The single storey rear extension has a lean-to roof at an eaves height of 2.7m and an overall height of 3.5m. To the extension at first floor front there is a window, on the side elevation there is a door giving access to the self-contained apartment, and window to the ground floor. On the rear elevation there is a first floor window and on the ground floor, a window and a pair of French doors, with full height windows either side.
- 1.2 A store has been created to the front part of the side extension at ground floor, which would be accessed via a door in the front elevation. The rear part of the side extension is a separate residential unit with a bedroom/ kitchenette and en-suite. The single storey rear extension would create an extended kitchen / diner. A lounge would complete the accommodation on the ground floor. On the first floor, there are layout changes with the creation of four bedrooms with en-suites. A loft conversion with a rear box dormer is accessed via a staircase off the first floor landing, and provides a fifth bedroom with en-suite and a kitchenette. The property has increased from 3 to 6 bedrooms overall (one bedroom in the separate ground floor unit).
- 1.3 A 1.8m high boundary fence has been inserted along the highway boundary, and comes level to meet the front elevation of the dwelling. The frontage is open and has been hard surfaced to provide off-street parking for three vehicles.

2. Site and Surroundings

- 2.1 Before development commenced on planning reference 22/00274/FUL, the application property was a three bedroomed semi-detached house with a double height bay under an over-hanging gable roof. To the rear there was a

single storey extension and a rear element / store, and a detached garage. The site is relatively level, with a slight rise to the highway and the rear.

2.2 The property is situated on the corner of Gwenbrook Road and Gwenbrook Avenue, with the frontages generally open (that is, not enclosed). 1 Gwenbrook Avenue is the attached semi, which is to the north east, and has a rear dormer. 4 Gwenbrook Road, to the rear of the site, is a semi-detached property to the north west and has its side elevation to the rear of the site. It has three first floor obscurely glazed windows. Nos 3 and 5 Gwenbrook Avenue, to the north east both have rear dormers (constructed after 2019). 2 Gwenbrook Avenue is situated on the opposite street corner and has a two-storey side extension and single storey rear extension (ref. 16/00740/FUL).

3. Relevant Planning History

3.1 22/00274/FUL - Construct two storey side/rear, single storey front and rear extensions and loft conversion with rear dormer.

3.2 Changes from the approved scheme (reference 22/00274/FUL) can be summarised as:

- 6 bedroomed property to 5 bed HMO and a separate one bed apartment. The self-contained apartment has been created to the ground floor with no internal access to / from the main dwelling and only having external access from the side elevation.
- Front elevation:
 - Pedestrian door instead of garage door to store.
 - The extension roof changed from hipped to gable, set down from the main ridge
 - Rooflights to front omitted
- Side elevation:
 - Rooflight to side omitted
 - Ground side door and window in a different position.
- Rear elevation:
 - Ground floor window omitted
 - Window sizes changed (first floor and dormer)
- Layout changes:
 - Both store and self-contained apartment now have no internal access.
- Other minor external changes

4. Relevant Policies and Guidance

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

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 1: Climate Change

- Policy 2: The Spatial Strategy
- Policy 8: Housing Size, Mix and Choice
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019:

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

- Policy 15: Housing Size, Mix and Choice
- 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 5: Delivering a sufficient supply of homes.
- Section 12: Achieving well-designed places.

5. Consultations

5.1 Councillors:

- Councillor E Kerry – Call in to committee at the request of Cllr Roberts-Thompson
- Councillor T Roberts-Thomson - no comment received.
- Councillor R Jackson - no comment received.

5.2 Consultees:

Council’s Private Sector Housing Officer: The building is in a completed state and has been issued a HMO licence for 5 occupants for the main house on 22/3/23 and noted there is a separate studio apartment to the ground floor with no access internally to the main house. From the Private Sector Housing Officer’s perspective, the property meets the requirements for the licence that it has been issued for 5, if the planning decision for this application was to be refused would then look to vary the licence to a 6 bed once the internal access was created to link the current studio apartment to the main house.

Nottinghamshire County Council Highways – Whilst the NCC Design Guide recommends HMO’s are provided with 1 space per room, plus 1 space per 3 rooms for visitors, there are opportunities to park nearby, with traffic flows/speeds along Gwenbrook Road being low. With this in mind it is unlikely the lack of parking will severely compromise highway safety, although it may be an amenity issue for residents.

5.3 A total of 6 neighbours were consulted on the received application, with 5 comments received, 4 objecting to the proposal, providing the following:

- HMO: Gwenbrook is a family residential area and an HMO should not be permitted within this location
- The change of use will result in the loss of a family dwelling in close proximity of The Lanes Primary School, exacerbating the housing problems for both families and key workers in the local area
- Incorrect information in the planning application forms and drawings relating to the description of development
- Driveway constructed on corner of Gwenbrook Ave and Gwenbrook Rd and inadequate parking provision, causing highway safety concerns for pedestrians and motorists
- Driveway constructed with no lawn or border to direct rainwater to, in order for it to drain naturally
- Increased traffic generation causing highway safety concerns for pedestrians and motorists
- Design dominates plot, over-prominent in street scene and creates a terraced and cramped effect
- Loss of privacy
- Loss of daylight / sunlight
- Noise / smell and disturbance and loss of amenity in relation to anti-social behaviour and waste management
- Does not comply with local or national policies.

One letter of observation, with the following comments:

- Parking issues
- HMO – some rooms have already been advertised for rent
- Area marked for parking on previous approval has been fenced off.

6. Assessment

6.1 The main issues to be considered when assessing this application are the principle of the change of use, whether the design is acceptable, impact on neighbour amenity and impact on highway safety.

6.2 **Acceptability of Change of Use**

6.2.1 During the implementation of the works approved under reference 22/00274/FUL it was noted that the applicant was converting the property to a small (Use Class C4) HMO use. The conversion of a dwelling house (C3) to HMO (C4) is permitted under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Part 3, Class L, and the site is not within the Article 4 direction area of Beeston where permitted development rights for this change have been removed. Therefore, a change of use to a small HMO (maximum of 6 occupants) does not require planning permission. However, as the works have included a self-contained ground floor residential unit with no internal connection to the rest of the dwelling house, and having its own bathroom and kitchen, it cannot be considered to form part of the HMO as no common facilities are shared with the main house. Therefore, a change of use application is required for the overall use of the property.

- 6.2.2 The site is not within the Beeston Article 4 Area, therefore the adopted Supplementary Planning Document (SPD) Houses in Multiple Occupation, and the principle of clustering, sandwiching and radius approach is not applicable for this application. The property has a licence for a 5 bed HMO.
- 6.2.3 The properties would be suitable for occupation by a range of tenancies (including key workers) and whilst occupation as a family home or as a single dwelling house may be the prevailing theme in the immediate area, there is a need to provide a mixture of housing options and the HMO and self-contained apartment would help provide some of those options. The proposal would therefore accord with the aims of Policy 8 of the Aligned Core Strategy, and Policy 15 of the Part 2 Local Plan.
- 6.2.4 In relation to noise / smell and disturbance, the building is already as existing, but the conversion would need to meet Building Regulations which would ensure adequate soundproofing between the floors and to the windows. A front store has been provided which could be used for cycle storage. As an existing dwelling, bin storage and waste would be provided for as per the existing arrangement.
- 6.2.5 Therefore, the change of use to a 5 bed HMO and 1 bed apartment is considered acceptable, particularly as prior to the sub-division, planning permission would not be required to operate the property as a C4 use with a maximum of 6 occupants.

6.3 Design

- 6.3.1 In terms of mass and scale, it is considered that the extensions as proposed do not represent a disproportionate addition due to design features which help to minimise its impact, with the property being on a corner plot. It is considered that the proposed dormer would not dominate the roof or appear over prominent in the street scene. The external materials used are acceptable.
- 6.3.2 The proposal has been designed to maintain the character of the existing dwelling, with a hip roof and the use of matching materials and hanging tiles on the dormer. Therefore, in this instance the design is considered acceptable in its locality.
- 6.3.3 In relation to the proposed change of use, it is considered that the development would not introduce any changes to the character of the dwelling house and is considered to have no impact on the street scene.

6.4 Amenity

- 6.4.1 It is considered that the development would have a layout appropriate for the intended purpose for multiple occupiers. It would provide additional daytime space with mixed facilities and storage, with each bedroom having private bathroom space and access to an outlook and natural light. Direct access to the rear garden would be maintained from the rear of the property and from

outside the site. Whilst the rear garden is relatively small for the size of the property, as this is a corner plot there would be adequate outside space retained to the rear, side and front area of the property, with fencing helping to maintain privacy on this corner plot. The applicant has liaised with Private Sector Housing in relation to Housing Standards and a landlord licence. As per the Broxtowe HMO property standards minimum bedroom size for 1 occupier of 8m², proposed bedroom sizes are shown as exceeding this minimum size. Therefore, it is considered that the property would have an acceptable level of amenity for the future occupiers, and helps provide a choice of living accommodation in the local area for a range of tenants.

- 6.4.2 4 Gwenbrook Road is to the rear in a north westerly direction, with its side elevation facing the site. The existing garage on the site would be removed along this boundary which has created additional garden space. Both properties have their main garden area to the northeast, with the proposal being situated 1.4m closer to the side elevation which has obscurely glazed secondary windows. Windows from the proposal face the side elevation of no. 4 and other parts of the proposal face away from the boundary. The rear dormer is no further to the side and rear than the existing dwelling and is considered sufficient distance to the rear neighbouring properties at approximately 10m, and at an angle viewing to the north east neighbouring rear garden area and side of no. 4. Therefore, overall the proposal is considered to have no significant impact on no. 4 in terms of loss of light, outlook or privacy.
- 6.4.3 No. 1 Gwenbrook Avenue is the attached neighbour to the east. The two storey part of the development has been constructed on the opposite side of the site, with the single storey rear extension constructed on the boundary replacing an existing rear extension, on a similar footprint. The rear dormer is situated on the rear roof slope off the boundary and faces towards the rear gardens, with the front part of the proposal situated away from the common boundary. Therefore, it is considered that the development has no significant impact on no. 1 in terms of loss of light, outlook or privacy.
- 6.4.4 No's. 17, 19, 21 and 23 Gwenbrook Road are semi-detached properties, situated across the highway, to the south west. There has been an increase in development to the side and front, but generally within the building line of neighbouring properties. Therefore, it is considered that the proposed development has had no significant impact on these neighbours, particularly as the dwelling and extensions are set at an angle to these properties.
- 6.4.5 Concerns regarding an increase in noise and pollution generated by the use as a HMO have been raised. It would be unreasonable to consider imposing conditions to mitigate for this as it is not expected that issues would be significantly different to that expected to be generated at other residential uses within the area. In relation to noise or pollution from future occupiers, neighbours could contact Environmental Health should these instances occur where over and above that expected of any domestic property.
- 6.4.6 Overall, it is considered that the proposed change of use will not have an unacceptable impact on the amenity of any neighbouring properties.

6.5 Access and Highway Safety

- 6.5.1 The proposal would result in an increase of bedrooms from 3 to 6, this has also involved the removal of a relatively old detached garage (which is unlikely to have been used for parking), with the proposed block plan showing space for three vehicles on a front drive. This would be more convenient than the parking arrangement approved under planning reference 22/00274/FUL, where tandem parking was shown to the side and rear of the plot. There are no on-road parking restrictions, the site is on a cul-de-sac (therefore potentially be less vehicle manoeuvres), and due to the proximity of well served public transport and to local facilities, it is considered that car usage would often not be necessary. Whilst school traffic and access for emergency vehicles has been mentioned in comments provided and as per the parking allowance for neighbouring properties it would be unreasonable to restrict car usage on a single property, whilst other neighbouring properties may have similar sized developments (dormers and two-storey side extensions). Therefore, it is considered that parking provision is sufficient for the site and highway safety would be maintained as prevailing. Nottinghamshire Highways consider that it is unlikely the lack of parking will severely compromise highway safety.
- 6.5.2 A driveway and means of access to a highway can be constructed under permitted development rights. The hard surface should be made of porous materials, or provision should be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house. A condition will be included to ensure this. Any installation of a dropped kerb would require a permit from Nottinghamshire County Council as the Highways Authority.

6.6 Other Matters

- 6.6.1 HMO policy: The Beeston Article 4 area has been implemented after a period of discussion and consultation and did not include this area of Beeston. Any future concerns regarding saturation of the area due to changes of use to C4 would need to be considered as a separate matter.
- 6.6.2 The applicant has carried out their Permitted Development Rights and converted the dwelling house to a small HMO. The applicant has been in contact with Private Sector Housing in relation to licensing and, as set out above, a small HMO for no more than six single occupiers does not require planning permission in this area – this application relates to the change which includes a separate studio unit.
- 6.6.3 Misleading and inaccurate application – this is a revised application and amended plans have been received and consulted on which clarifies the development and it is considered that the description of the development alongside the plans submitted adequately set out the nature of the development.

7. Planning Balance

7.1 The benefits of the proposal are that it would regularise changes that have been made during the development granted under planning permission 22/00274/FUL and the separation of one room to a self-contained apartment. The development would retain an extension to an existing residential dwelling and the change of use would contribute to the mix of housing in the area, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. The revised proposal is considered to have no significant negative impacts when compared to that which has already been approved. On balance it is considered that the scheme is acceptable.

8. Conclusion

8.1 Recommend that planning permission for the development is approved.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with drawing numbers 21/532/04 received by the Local Planning Authority on 17 February 2023, 22/532/03 and 22/532/06 received by the Local Planning Authority on 3 April 2023 and 22/532/07 received by the Local Planning Authority on 12 April 2023, and 22/532/02G received by the Local Planning Authority on 7 June 2023. <i>Reason: For the avoidance of doubt.</i>
2.	Prior to the occupation of the development the frontage parking area shall be constructed with drainage provision to prevent the unregulated discharge of surface water to the public highway. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development. <i>Reason: In the interests of highway safety and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019).</i>
	NOTES TO APPLICANT
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.

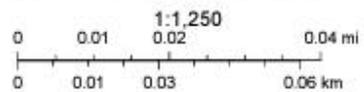
Map

2 Gwenbrook Road Chilwell Nottinghamshire NG9 4AZ



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 Site



Photographs



As built - front (south east) elevation.



As built - side (south west) elevation.



As built - side (south west) elevation.



As built - rear (north west) elevation.



Street scene facing east, site on left.



As built - front (south east) elevation.



Front (south east) elevation – before works

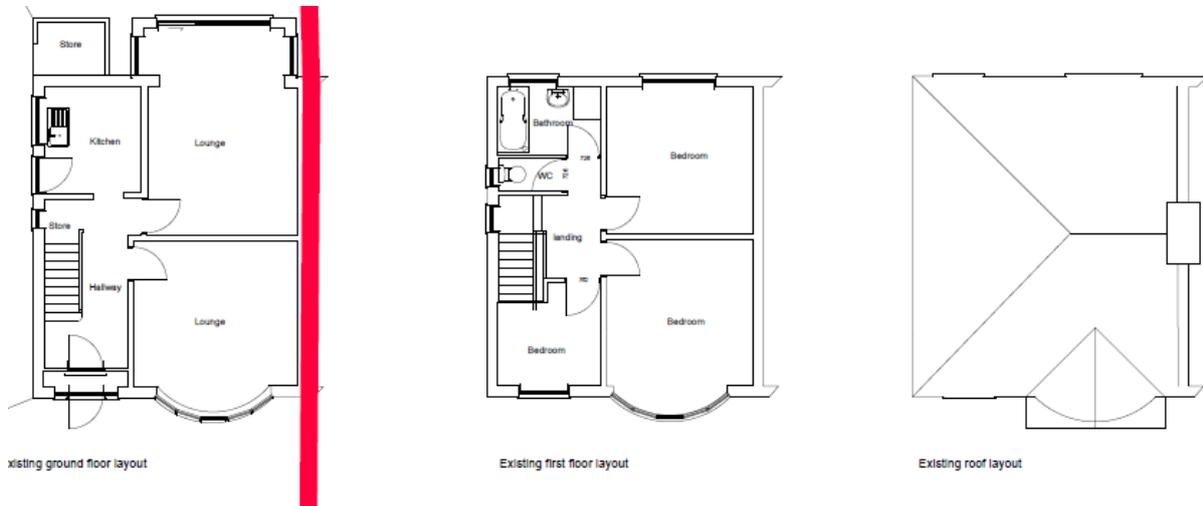


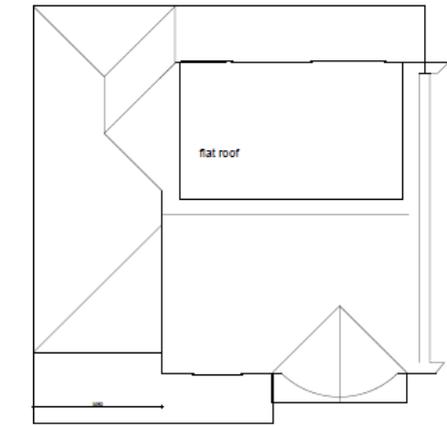
Side (south west) elevation – before works

Plans (not to scale)

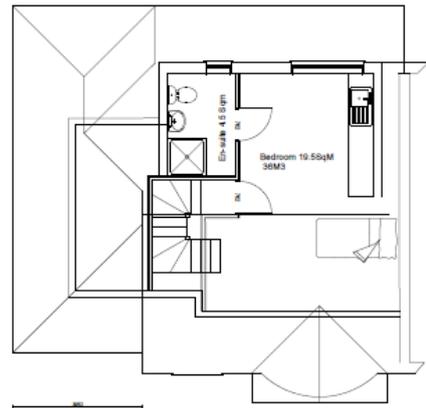


Previous & As Built elevations.

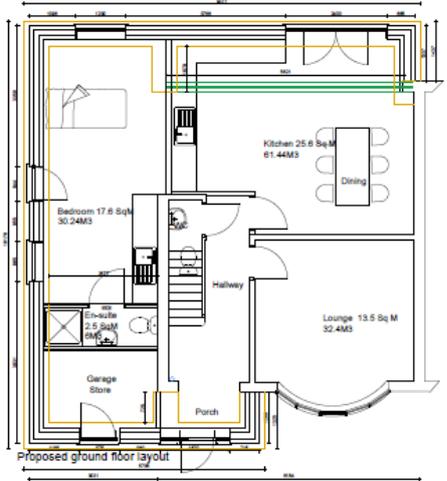




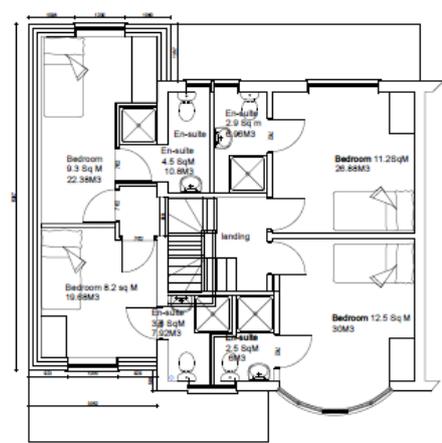
Proposed roof layout



Proposed second floor layout

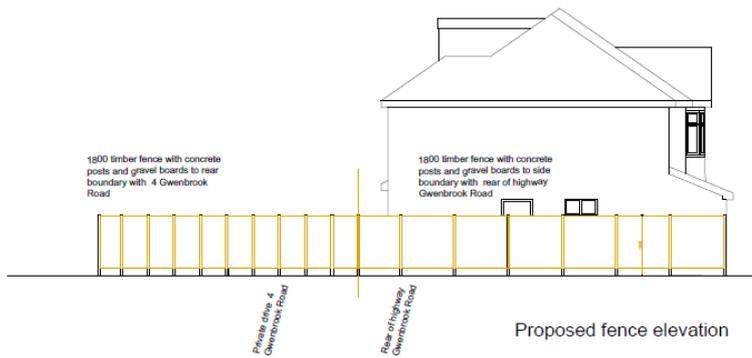
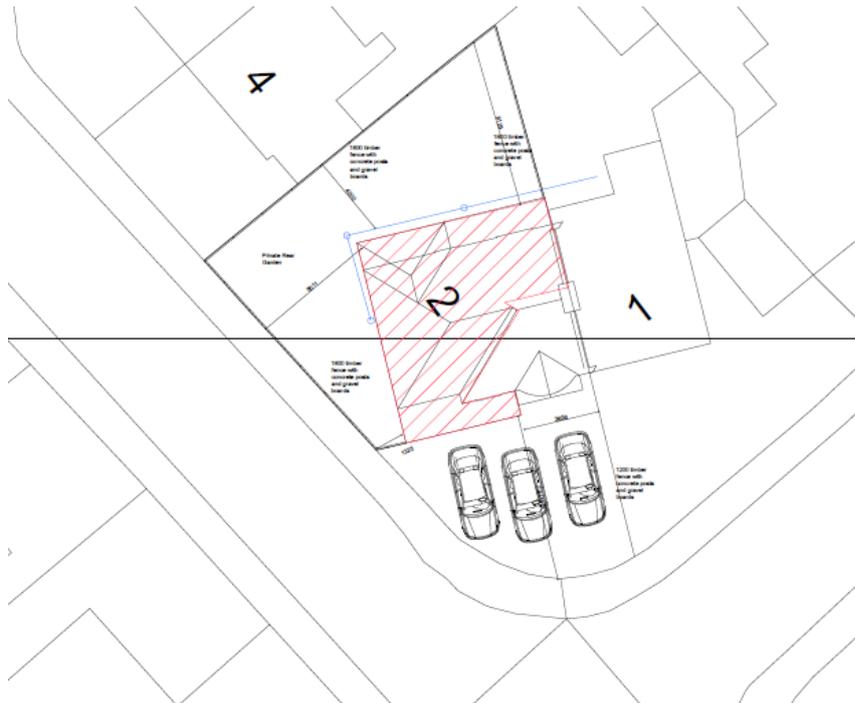


Proposed ground floor layout



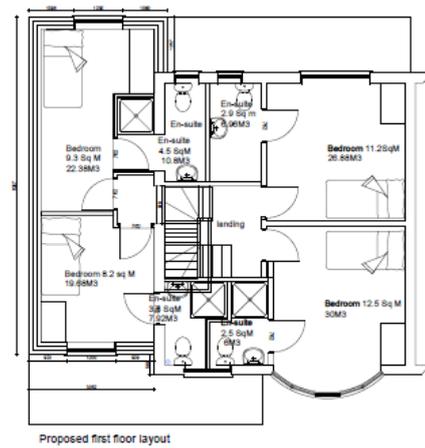
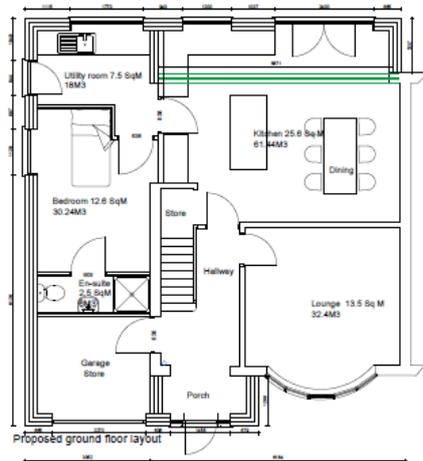
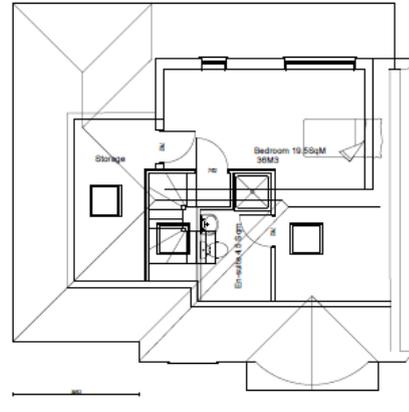
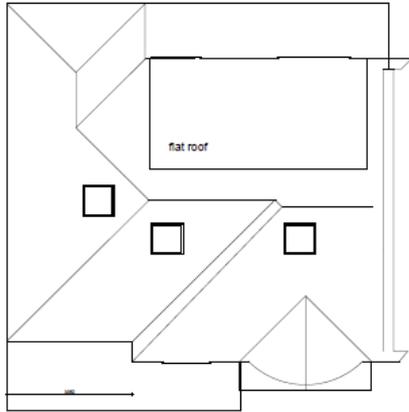
Proposed first floor layout

Previous & As Built floor & roof plan

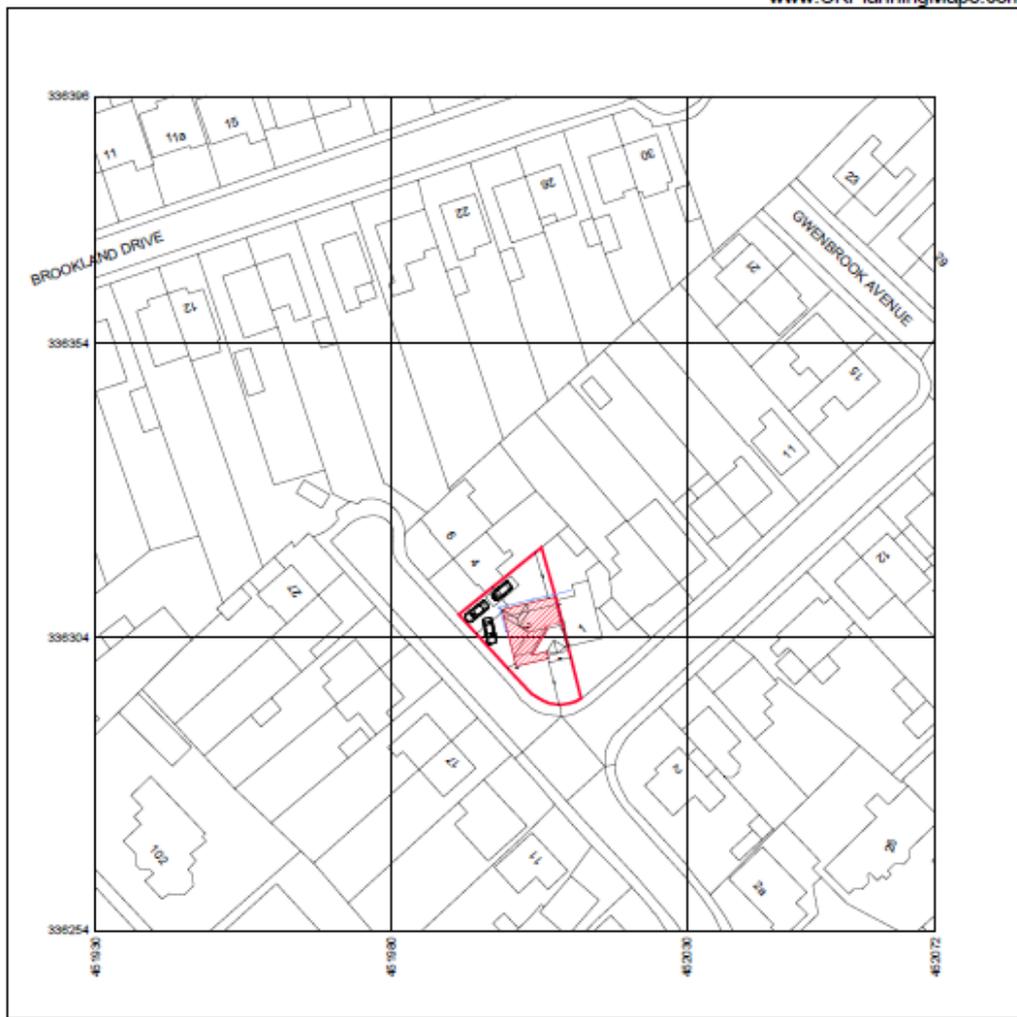


As Built Boundary Treatment

22/032/02E



Elevations and layout as approved under planning reference 22/00274/FUL



Approved site plan under planning reference 22/00274/FUL