

Report of the Chief Executive

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| APPLICATION NUMBER: | 24/00013/FUL |
| LOCATION: | 193 Station Road, Beeston, NG9 2AB |
| PROPOSAL: | Change of use from existing HMO (Use class C4) to a large House in Multiple Occupation (Sui-Generis use). Construction of dormer and single storey side and rear extensions |

The application is brought to Committee at the request of Councillor V C Smith.

1. Purpose of report

The application seeks full planning permission for the change of use from existing HMO (Class C4) to a large House in Multiple Occupation (Sui-Generis), construction of dormer and single storey side and rear extension.

2. Recommendation

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

3. Detail

- 3.1 This application seeks full planning permission to change the use of the building from House in Multiple Occupation (C4) to a larger 8 bedroomed house in multiple occupation (Sui Generis) along with the construction of a single storey side and rear extension and a rear dormer window.
- 3.2 The main issues relate to whether the principle of the change of use from a small HMO (up to 6 persons) to an eight bedroomed HMO (Sui Generis) and proposed extensions would be acceptable, if there is an acceptable level of amenity for occupiers and existing neighbours, and impacts on parking.
- 3.3 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. The change of use would not appear out of character with the surrounding area and would be in accordance with policies contained within the development plan which is given significant weight. There will be some impact on neighbour amenity and parking, which is discussed in the appendix. On balance, the scheme is acceptable and should be approved.

4. Financial implications

The comments from the Head of Finance Services were as follows:

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.

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.

6. General Data Protection Regulation 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.

7. Climate Change Implications

Any climate change implications are included within the report.

8. Background papers

None.

APPENDIX

1. Details of the application

- 1.1 This application seeks full planning permission to change the use of the building from a small HMO (C4) to a larger eight bedroomed house in multiple occupancy (Sui Generis). Also included within the application are the construction of a single storey side and rear extension and a rear dormer window.
- 1.2 The internal layout of the building will consist of two studio bedrooms with kitchenette and en-suite facilities, a bedroom with en-suite and a kitchen/living area at ground floor. At first floor level there would be 3 studio bedrooms, each with kitchenette, and at second floor level there would be two bedrooms and a shower room.
- 1.3 The single storey rear extension would have a length of 3m and a width of 3.7m. The extension would have a flat roof with a maximum height of 3m. Both side elevations will be blank and there would be a window on the rear elevation. The single storey side extension will replace the existing conservatory, it would have a small window serving the kitchen/living area and a door on the rear elevation.
- 1.4 The proposed rear dormer would be set in 0.3m from the eaves and set down 0.3m from the ridge. It would extend out by 3.7m and would be 4.8m wide. The dormer would be 2.5m high with a flat roof. It would have two windows on the rear elevation, the side elevations would be blank.

2. Site and Surroundings

- 2.1 The site consists of a two storey semi-detached dwelling with gable roof located in a built up area of Beeston. The property has a two storey rear projecting wing which forms a gable with a matching projection at no. 195 and has been extended to the rear and side in the form of a lean-to roof single storey side and rear extension. The property consists of red brick, off-white render to the rear and slate on roof.
- 2.2 Directly behind the site, to the north and north east, are located nos. 1, 2, 3 and 4 Roseacre Queens Road, semi-detached two storey properties. These properties are located approx. between 25m and 46m away from the boundary with the application site.
- 2.3 To the north west of the application site is located 191 Station Road, a semi-detached three storey property. This property has a ground floor bay window and a second floor window in the facing elevation. The common boundary is a 1.8m high fence.
- 2.4 To the south east of the application site is located 195 Station Road, the adjoining two storey property.
- 2.5 Opposite to the site, on the other side of Station Road, is located a car park associated with a retail store (Co-op).

2.6 There are a mix of uses in the surrounding area, including retail units facing Queens Road and residential uses; further south east along Station Road is Beeston Train Station.

2.7 The site is within Flood Zone 2 and 3.

3. Relevant Planning History

3.1 A Certificate of Lawfulness was granted under reference 23/00801/CLUE for an existing use as a HMO (C4).

4. Relevant Policies and Guidance

4.1 **Greater Nottingham Aligned Core Strategy (ACS) Part 1 Local Plan 2014**

4.1.1 The Council adopted the ACS on 17 September 2014

- Policy 1: Flood Risk
- Policy 8: Housing Size, Mix and choice
- Policy 10: Design and Enhancing Local Identity

4.2 **Broxtowe Part 2 Local Plan (2019)**

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

- Policy 1: Flood Risk
- Policy 15: Housing Size, Mix and Choice
- Policy 17: Place-Making, Design and Amenity

4.3 **National Planning Policy Framework (NPPF) 2023**

- Section 2: Achieving sustainable development
- Section 4: Decision-making
- Section 12: Achieving well-designed and beautiful places

5. Consultations

5.1 **Councillors** –

- Councillor G Bunn – no comment received
- Councillor V Smith – Requested the application be called into committee due to concerns regarding intensification, impact on neighbour amenity and parking issues.

5.2 **Environmental Health** – No Objections. Recommends a Note to Applicant to advice about recommended working times during construction and burning of commercial waste.

5.3 **Environmental Services** – Developer to purchase first provision of bins. Information about bins size. Bins need to be presented at the edge of the highway for emptying.

5.4 **Private Sector Housing Officer** – Advised that the room sizes appear adequate, and made the following observations:

- No fire alarms / heat detectors are labelled
- All rooms with cooking facilities should have a heat detector
- No fire doors are labelled
- The rear room off the kitchen must have a fire escape window of adequate size to comply with regulations and be used effectively in event of an emergency.

5.5 Five neighbouring properties were consulted on the application, with two objections received raising concerns in respect of:

- Amenity issues
- Damage to property due to lack of maintenance and presence of Japanese Knotweed
- Request a decision in principle to convert neighbouring property from C3 to C4 should permission be granted so as to be able to sell
- High concentration of HMOs in the area
- Design: dormer is not in keeping with surrounding properties
- Parking issues
- Potential occupancy by more than 8 persons given the characteristics of the proposed layout
- Noise and disturbance
- Loss of privacy from existing window.

6. Assessment

6.1 The main issues relate to whether the principle of the change of use from a HMO (C4) to an eight bedroomed 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 Policy 8 of the Aligned Core Strategy states that residential development should maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. All residential development should contain adequate internal living space. Policy 15 of the Part 2 Local Plan seeks to ensure that residential developments provide a mix of housing to ensure that the needs of the residents of all part of the borough, and all age groups, are met. It is considered that the creation of an eight-bedroom HMO would contribute to providing a mix of housing types, and is in a highly sustainable location.

6.2.2 The property is located within a mix of residential and commercial uses. The residential units also present a mix of different housing tenures comprising flats, family homes and houses in multiple occupancy. The site is located within walking distance of Beeston Town Centre and Beeston Train Station which provide access to regular bus, tram and train links. The site is within an urban, sustainable location with access to regular transport links and provides additional space in a property.

6.2.3 It is acknowledged that a number of properties in the area have been changed into houses in multiple occupancy (Beeston Article 4's Map indicates that there

are 121 dwellings within a 100m radius from the application site with only 20 known in use as a HMO), and the Article 4 Direction is in place to remove permitted development for houses (Class C3) to convert to C4 use of between three and six unrelated residents living together without the need to apply for a change of use. However, this is not a family dwelling, having an established use as C4 (5 bedrooms) and there are no policies that currently restrict this change of use to a larger HMO (Sui Generis use), subject to planning permission, and given the location being within walking distance to Beeston Town centre and with transport links to Nottingham City centre and beyond, it is considered the principle of the change of use is acceptable.

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. It is also considered that because in this case, no family home will be lost with the proposed conversion, and because the proposed use of the building will retain the residential nature of a dwelling and as such, subject to the matters outlined below, the change of use is considered acceptable in principle.

6.3 Design and Visual Amenity

6.3.1 Policy 10 of the ACS states that development will be assessed in terms of massing, scale and proportion, materials and the impact on the amenity of nearby residents. Policy 17 of the Part 2 Local Plan states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.

6.3.2 Whilst the dormer appears to be overly large and bulky, the dimensions of the dormer are within those set out in the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class B. Based on size alone (that is, independent of the proposed use of the building) the dormer could be constructed without planning permission as it only adds 18m³ to the original roof. The proposed single storey side and rear extension does not represent a disproportionate addition and will appear subservient to the main dwelling, as it will occupy a similar position to the existing side conservatory and rear extension with a slight increase of the existing footprint (approx. 3.77m²).

6.3.3 Information provided on the submitted plans indicates the use of matching materials. In term of design, the proposed extensions are simple, however it is considered an acceptable design for a single storey extension located to the side and rear of the dwelling which would not be visible from the street.

6.3.4 The proposed extensions are not considered to have any significant detrimental impact upon the character of the street scene or visual amenity of the area.

6.4 Residential 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 5 studio/bedrooms, one

bedroom with en-suite and two bedrooms sharing bathroom facilities. All bedrooms will have access to natural light. Direct access to the rear garden would be maintained from the rear of the property and from outside the site. The property benefits with a long rear garden which will provide a suitable level of outside amenity. Therefore, it is considered that the property would have an acceptable level of amenity for future occupiers.

6.4.2 The properties that will be mostly affected by the change of use are nos.191 and 195 Station Road.

6.4.3 191 Station Road is a three storey property located to the north west of the application site. The existing side extension is a conservatory with glazed panels facing no.191. As proposed, the side extension would replace the existing glazed panels with a brick wall, which would have a narrow window serving the kitchen. The single storey rear extension would have a blank side (north west) elevation. It is considered that the proposed extensions will not have any significant impact on the amenity of this neighbouring property in terms of loss of light, outlook or privacy.

6.4.4 195 Station Road is the adjoining house located to the south east of the application site. As the single storey side extension is positioned to the opposite side (north west) elevation and will not project beyond the existing rear wall, it will not be visible and therefore will have no significant impact on the amenity of the occupants of no. 195. The single storey rear extension will project 0.3m beyond the existing rear extension, will have an overall height of 3m with a window facing the rear garden. It is considered that the proposal will not have any significant impact on the amenity of this neighbouring property in terms of loss of light, outlook or privacy.

6.4.5 Within the representations that have been received, concerns have been raised with regard to noise and disturbance from potential occupiers, intensification of the site and potential occupancy by more than eight persons. The proposed change of use will result in an increase in occupiers, which may lead to an increase in noise. However, it is considered that there are insufficient grounds to suggest that the property will be occupied by more than eight persons and it would be difficult to attribute the increase in noise to any particular group of households. It is considered that an increase of 3 occupants would not result in a significant increase in noise and disturbance.

6.4.6 Whilst it is acknowledged that the conversion will result in an intensification of the site, the property is considered to be capable of accommodating the development.

6.4.7 Overall, it is considered that the conversion will not result in an over-intensification of the site and would not have such a detrimental impact on the amenity of these neighbouring properties.

6.5 Parking

6.5.1 There are two off street parking spaces to the front of the dwelling. Concerns have been raised in respect of parking issues associated with the proposed use.

In terms of parking provision for future occupiers, there are restrictions for on-street parking on Station Road. However, on balance, two parking spaces are considered acceptable given the location of the site and its proximity to Beeston Town Centre and Beeston train station.

6.6 Other matters

6.6.1 Concerns were raised regarding the impact of the existing use on the adjoining property. Impacts on private rights such as damage to property is not a material planning consideration. Japanese Knotweed infestation should be dealt by a pest control professional and is not a material planning consideration.

6.6.2 With regard to granting permission in principle to convert the neighbouring property from C3 to C4, the site is within Article 4 Area and the conversion of a dwellinghouse (C3) to HMO (C4) will require planning permission.

6.6.3 The applicant has been made aware of Private Sector Housing comments and these matters will be addressed.

7. Planning Balance

7.1 The benefits of the proposal are that it would provide additional space within an existing house which will contribute to the mix of housing in the area. Although there will be some impacts on neighbour amenity and that only two parking spaces would be provided, it is considered this will not have a significant detrimental impact on neighbour amenity or highway safety. The change of use would not appear out of character in the surrounding area and 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 It is concluded that, having regard to the relevant policies of the Local Plan, national planning guidance and to all other material considerations including the Public Sector Equality Duty and comments raised in the representations received, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

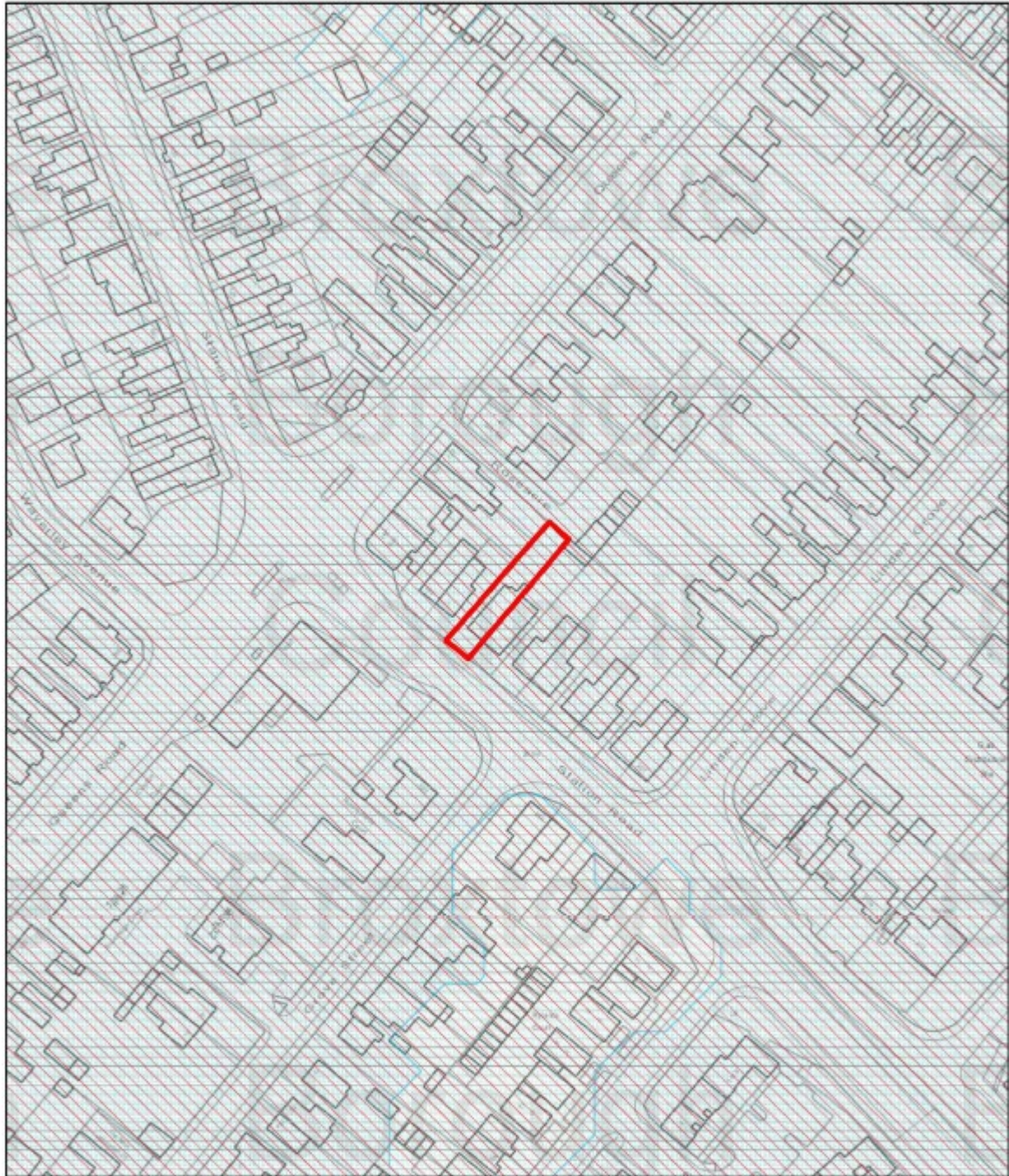
Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

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| <p>1.</p> | <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> |
| <p>2.</p> | <p>The development hereby permitted shall be carried out in accordance with the Site Location Plan received by the Local Planning Authority on 9 January 2024, Proposed Block Plan (drawing no.23121-P-200), Proposed Floor Plans and Roof Plan Revision C (drawing no.23121-P-210) and Proposed Elevations Revision A (drawing no.23121-P-220A) received by the Local Planning Authority on 22 January 2024.</p> <p><i>Reason: For the avoidance of doubt.</i></p> |
| <p>3.</p> | <p>The extensions and dormer shall be constructed using materials as annotated on the approved plans unless otherwise agreed in writing by the Local Planning Authority.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of Broxtowe Aligned Core Strategy (2014) and Policy 17 of Part 2 Local Plan (2019).</i></p> |
| <p>NOTES TO APPLICANT</p> | |
| <p>1.</p> | <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> |
| <p>2.</p> | <p>The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.</p> <p>Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and</p> |

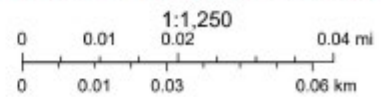
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| | <p>environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at: www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.</p> <p>If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> |
| <p>3.</p> | <p>The applicant is advised to ensure that sound insulation to limit the transmission of noise between each property achieves the minimum requirements as contained in the current version of British Standard Approved Document E.</p> |
| <p>4.</p> | <p>The proposal will involve building works. Given the proximity of residential properties, it is advised that contractors limit noisy works to between 08.00 and 18.00 hours Monday to Friday, 08.00 and 13.00 hours on Saturdays and no noisy works on Sundays and Bank Holidays.</p> <p>Burning commercial waste is a prosecutable offence and all waste should be removed by an appropriate licensed carrier.</p> |

24/00013/FUL - 193 Station Road, Beeston NG9 2AB



2/14/2024, 5:16:14 PM

-  Coal Standing Advice
-  Flood Zone 3
-  Article 4 Direction
-  Site
-  Flood Zone 2



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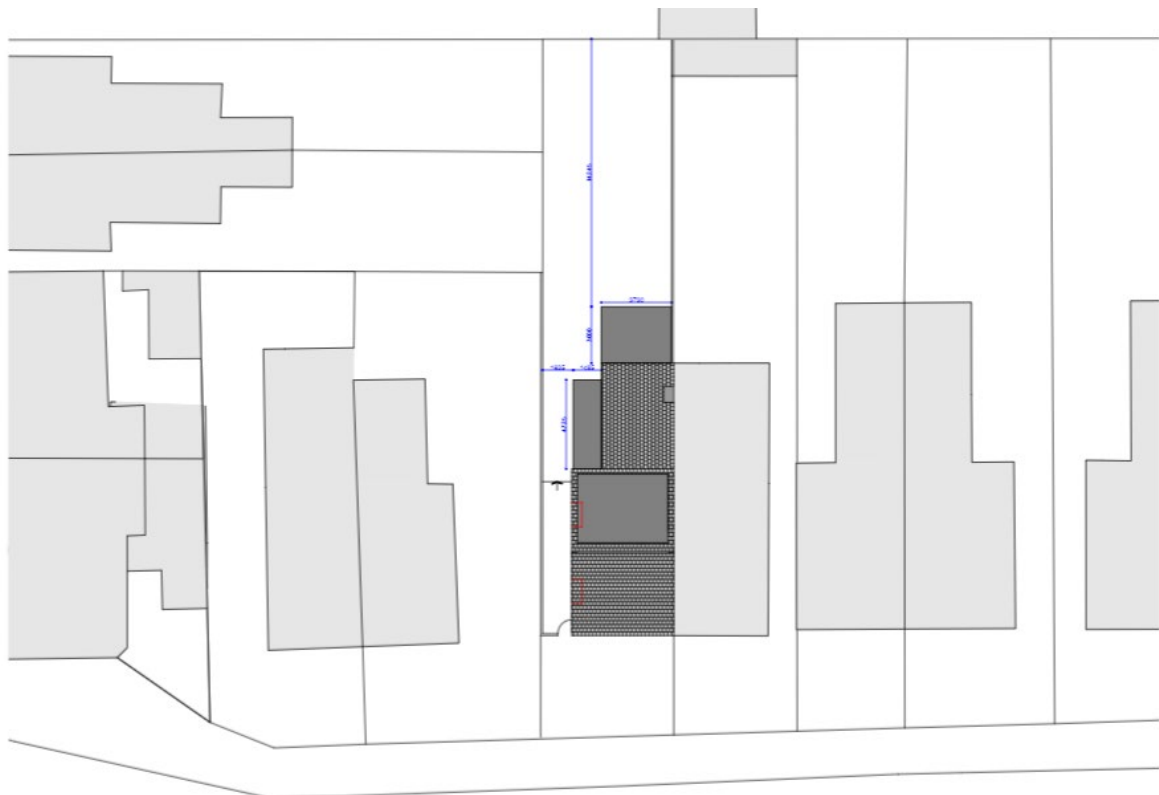
Site Location Plan

Plans



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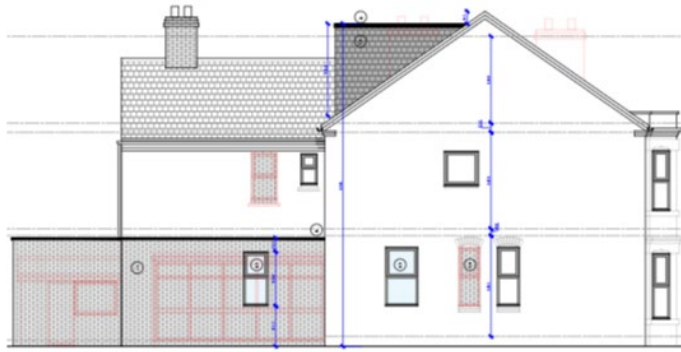
Site Location Plan



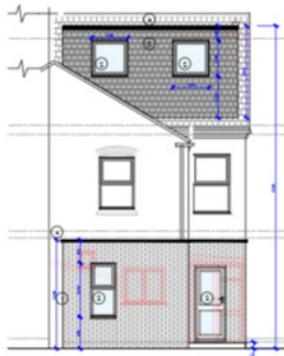
Proposed Block Plan



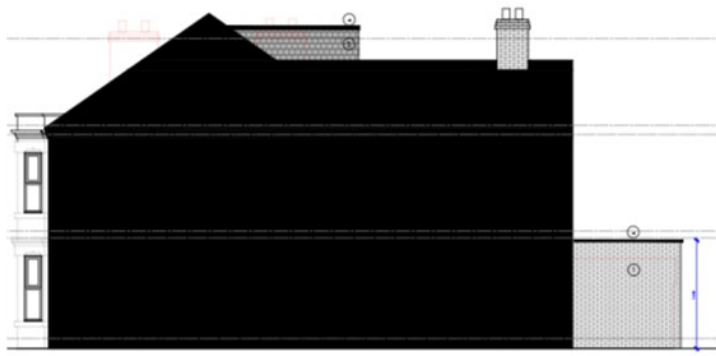
Front Elevation
Scale 1:50



Side Elevation
Scale 1:50



Rear Elevation
Scale 1:50



Side Elevation
Scale 1:50

Proposed Elevations



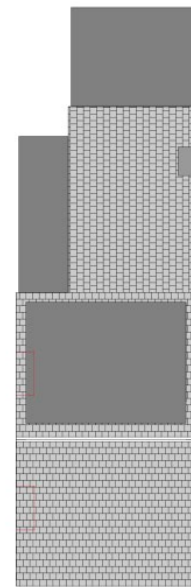
Ground Floor Plan
Scale 1:50



First Floor Plan
Scale 1:50



Second Floor Plan
Scale 1:50



Roof Plan
Scale 1:50

Proposed Floor Plans and Roof Plan

Photos



Front and side elevations



View of rear elevations



View of side elevations



View of rear outbuilding



Relationship with no.195



Relationship with no.191