

Report of the Chief Executive

APPEAL DECISION

APPLICATION NUMBER:	23/00293/FUL
LOCATION:	3 Willoughby Street, Beeston, Nottinghamshire, NG9 2LT
PROPOSAL:	Change of use from Use Class C3 to an HMO within Use Class C4

APPEAL ALLOWED

RECOMMENDATION BY OFFICER – APPROVAL

RECOMMENDATION BY PLANNING COMMITTEE - REFUSAL

REASON FOR REFUSAL –

The proposal, by virtue of the change of use into a house in multiple occupancy (C4 Use) would be unacceptable due to the significant direct and cumulative impact on the amenity of the immediate adjoining neighbouring property. The proposed change of use would have a harmful impact on the character of the area resulting in the loss of a family home. Therefore, the application would be contrary to Policies 8 and 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Section 12 of the NPPF (2021).

LEVEL OF DECISION: DELEGATED POWERS

The inspector considered the main issues to consider were:

- The mix and balance of housing in the area, and;
- The living conditions of the neighbouring occupiers at 5 Willoughby Street (No 5)

REASONS

Mix and Balance of Housing

The site relates to a semi-detached property located in a primarily residential area on the corner of Willoughby Street and Portland Street.

Policy 8 of the Greater Nottingham: Broxtowe Borough, Gedling Borough and Nottingham City Aligned Core Strategies Part 1 Local Plan (ACS) (September 2014), amongst other matters, seeks to ensure that residential development facilitates a mix of housing tenures to create mixed and balanced communities. This recognises that the increased numbers of student accommodation and HMOs has altered the residential profile of some neighbourhoods, leading to unsustainable communities and associated amenity issues.

The HMO Supplementary Planning Document (SPD) (July 2022) provides guidance to ensure that the aims of Policy 8 of the ACS are met and there is not an over-concentration of HMOs within the Article 4 Direction area. It sets out that consideration will be given to the impact of: (i) more than 3 known consecutive HMOs on the same street or adjoining street if located on a corner plot; (ii) more than 2 known consecutive HMOs positioned

opposite to 2 or more known consecutive HMOs; (iii) the total number of HMO properties exceeding 20% of properties within a 100 metre radius of the property; and (iv) a dwelling positioned in between two known HMOs either adjacently or to the front and rear.

From the evidence before the Inspector, the change of use would result in less than 15% of the dwellings within 100 metres of the site as known HMOs. This is comfortably below the 20% HMO threshold (consideration iii). The Article 4 HMO map, submitted by the Council, shows only 2 adjacent HMOs on Portland Street and none fronting Willoughby Street. Therefore, the change of use would not result in clustering or sandwiching (considerations i, ii, and iv).

Consequently, there would be no conflict with the SPD. Whilst the SPD does not have the status of policy, it nevertheless attracts significant weight as a material consideration. Compliance with the SPD supports the notion that the proposal would not be detrimental to the mix and balance of housing in the area and would not detrimentally imbalance the residential profile. Accordingly, the change of use from C3 to C4 would comply with Policy 8 of the ACS. It would also comply with the overarching aims of Section 12 of the Framework, which seeks to achieve well-designed and beautiful places.

Living Conditions

The Council has provided no substantive evidence why the change of use would result in a significant direct and cumulative impact on the amenity of the occupiers of No 5, over and above the existing use. Additionally, the Council has not specified which potential amenity factors they consider would be harmed.

It is recognised in the SPD that an over-concentration of HMOs may increase noise and anti-social behaviour, which may be harmful to residential amenity. An increase of one bedroom may lead to some additional comings and goings compared to a single-family dwelling. However, these are likely to be minimal, and compliance with the SPD makes it unlikely that the proposal, either individually or cumulatively, would be detrimental to the living conditions of the 3 neighbouring occupiers. This is because the SPD seeks to address, prevent and mitigate the impact on amenity.

Therefore, the proposal would have an acceptable impact on the living conditions of the occupiers at No 5. This would accord with Policy 10 of the ACS and Policy 17 of the Broxtowe Borough Council's Part 2 Local Plan (October 2019) which broadly require that proposals ensure a satisfactory degree of amenity for neighbouring properties.

CONDITIONS

A condition is necessary to ensure compliance with the approved plans. The Council have suggested that permitted development rights are removed in relation to extensions or enlargements to the property. The Framework states there must be clear justification for the removal of permitted development rights, but no substantive justification has been put forward. Thus, it would not be necessary or reasonable.

CONCLUSION

The Inspector has considered all the submitted evidence and their representative's report and on that basis the appeal is allowed.