

**Report of the Chief Executive**

**Appeal Decision**

<b>APPLICATION NUMBER:</b>	<b>24/00784/FUL</b>
<b>LOCATION:</b>	<b>108 Long Lane, Attenborough, Nottinghamshire NG9 6BW</b>
<b>PROPOSAL:</b>	<b>Change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).</b>

**APPEAL DISMISSED**

**RECOMMENDATION BY OFFICER – APPROVAL**

**RECOMMENDATION BY PLANNING COMMITTEE - REFUSAL**

**REASON FOR REFUSAL –**

1. The proposal, by virtue of the change of use into a 7-bed house in multiple occupancy (Sui Generis Use), would be unacceptable due to the impact on the amenity of the existing occupants. As such, the development would fail to accord with Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Broxtowe Aligned Core Strategy (2014).

**LEVEL OF DECISION: COMMITTEE DECISION**

The inspector considered the main issues to consider were:

- Flood Risk
- Whether the proposal would provide adequate living conditions for current and future occupiers of the property, with particular regard to shared amenity space.

## REASONS

### Flood risk

The appellant's Flood Risk Assessment accepts that the appeal site is on land that is at risk of fluvial and groundwater flooding, and that the development would have a flood risk vulnerability classification of 'More Vulnerable'. Two bedrooms already exist on the ground floor; however, I understand that comments were not sought from the EA during the consideration of the previous application at the appeal property for the creation of these bedrooms. Furthermore, I do not have substantive details of this permission, such as the officer's report, before me so the reasons why the two bedrooms were acceptable to the Council are unclear.

Notwithstanding the presence of these existing bedrooms, the proposal would create a third bedroom on the ground floor. The rooms on the ground floor of the property would be most at risk from flooding and those sleeping in these bedrooms would be seriously affected by any flooding. The first-floor landing is modest in size and lacking in facilities, and therefore I am not convinced that it would provide adequate refuge for the ground floor occupiers.

The EA has suggested two conditions in the event that planning permission is granted. However, the building is already in place and I have no evidence before me to demonstrate that the raising of the ground floor levels would be practicable or achievable without unacceptably reducing the floor-to-ceiling height. Furthermore, the proposal seeks to create a ground floor bedroom and as such a condition prohibiting bedrooms on the ground floor would render the proposal impossible to achieve. The suggested conditions would therefore fail to satisfy the test for reasonableness.

For these reasons, the creation of a further bedroom on the ground floor would increase the number of people at risk with insufficient areas for refuge and would therefore cause unacceptable harm to future occupiers of the bedroom with regards to flood risk. The proposal would be contrary to Policy 1 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014) (ACS), which seeks for development to adopt the precautionary principle that avoids areas of current and future flood risk.

### Living conditions of current and future occupiers

The proposed bedroom would replace a lounge, however the property would still have a communal area comprising two kitchens, one of which would be used as a dining area, and a conservatory which would become a lounge. These communal areas would be reasonably sized and I am satisfied that they would provide adequate amenity space for the current and future occupiers of the property.

The proposal would therefore comply with ACS Policy 10 and Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019), insofar as they require development to provide a satisfactory level of amenity for its occupiers.

### Other Matters

The appellant states that the proposed use will ensure that the unit is reoccupied and can contribute to the vitality and viability of the wider area. However, the property is

already operating as a 6-bed House in Multiple Occupation and I have no evidence before me that the lounge has previously been used as a bedroom. Furthermore, the creation of one additional bedroom would not have a significant effect on the vitality and viability of the wider area.

**CONCLUSION**

The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.