

Report of the Interim Chief Executive

Appeal Decision

APPLICATION NUMBER:	24/00845/FUL
LOCATION:	98 Dennis Avenue Beeston NG9 2RE
PROPOSAL:	Change of use to 6 bed HMO

APPEAL DISMISSED – COSTS PARTIALLY AWARDED**COMMITTEE DECISION TO REFUSE****RECOMMENDATION BY OFFICER – APPROVAL****REASON FOR REFUSAL –**

The proposal, by virtue of the change of use into a 6-bed house in multiple occupancy (C3), would be unacceptable due to the impact on neighbouring amenity, parking and the resulting loss of a family home and 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: WRITTEN REPRESENTATIONS

The Inspector identified the main issues as being whether the proposed change of use is acceptable in terms of i) the supply of family homes in the area; ii) the effect on the living conditions of neighbouring occupants; and iii) parking provision and highway safety in the area.

- i) The inspector concluded that in terms of supply of family homes, as the concentration of HMO's in the area was 5% (far below the 20% threshold), and as reported in the committee report, there is no significant accumulation of HMO's in the immediate area and that single family homes overwhelmingly predominate. In that respect, the Planning Inspector concluded that the loss of the family home would not result in an unacceptable change to the housing mix or overconcentration of HMO's in the area.
- ii) In terms of the effect on living conditions, the Inspector noted that the existing dwelling is large with at least 5 bedrooms, that could accommodate a family of 6 or even more. The Inspector states that much of the normal domestic activity of occupants within the HMO would be similar to that of a large family and would not cause undue noise or disturbance. The Inspector recognised that HMO occupants would be separate households that would live more

- independently compared to a single family unit, which could result in increased comings and goings, more visitors and more deliveries to the property compared to a single family dwelling. However, in this instance, the degree to which this would exceed that of a large, family dwelling would not be significant, and in the context of an area with no discernible concentration of HMOs, the Inspector was satisfied that the proposal would not lead to demonstrable harm to neighbours' living conditions from noise and disturbance.
- iii) The Inspector determined that whilst there would be a lack of on-site parking, given the availability of public transport and other sustainable travel options, with local facilities in Beeston town centre being reachable on foot and bicycle, the evidence does not indicate that provision of less than one space per bedroom would lead to unacceptable levels of on-street parking that would cause harm to highway safety. Notwithstanding this, the Inspector noted that there is a bus stop directly in front of the appeal site and there is no dropped kerb and the kerb is raised to enable easier access onto the bus. Access to the parking area would require vehicles to awkwardly mount the raised kerb and cross over the part of the footway where those waiting for the bus would stand. Although the bus serving the site only operates on an hourly basis, the potential for direct conflict between vehicles and pedestrians would still pose an unacceptable risk to their safety and that of other road users. As such the Inspector concludes that the proposal would fail to provide safe access to the site and would pose an unacceptable risk to highway and pedestrian safety, contrary to Policy 17 of the P2LP, which requires that development provides sufficient, well-integrates, parking and safe and convenient access.

COSTS DECISION

The Inspector has partially awarded costs against the Council for the following reason:

The applicant's claim, in short, is that the Council should have approved the application and acted unreasonably in refusing it contrary to officer recommendation and for reasons not raised as concerns by officers.

The Inspector states that in respect of the loss of a family home and the effects on the amenity of neighbours, the Council's evidence amounts to generalised concerns.

In the planning judgment and having regard to the provisions of the development plan, national planning policy and other material considerations, the application should reasonably have been supported in respect of these matters.

Overall, the Inspector concludes that a partial award of costs is justified, to cover the expense incurred by the applicant in contesting the Council's reason for refusal so far

as it relates to the matters of loss of family housing and the effect on the character and amenity of the area.

Conclusion

The Inspector found the proposal acceptable in terms of housing mix, character of the area and neighbour amenity, however it would conflict with the development plan due to the failure to provide safe access to the site and prevent harm to highway safety.

For the reasons given above the appeal was dismissed albeit with a partial award of costs to the appellant.