



MAP SCALE 1: 1250
CREATED DATE: 04/01/2022

COMMITTEE DATE 18/01/2022 **WARD** Hucknall North

APP REF V/2021/0639

APPLICANT Castle Rock Projects Ltd.

PROPOSAL Change of Use From 2 x C3 Dwellings into 1 x Sui-Generis 10 Bedroom HMO Including Erection of Single Storey Extension to Rear

LOCATION 2, Albert Street, Hucknall, Nottingham, NG15 7BE

WEB-LINK <https://www.google.co.uk/maps/@53.0393814,-1.2025674,17.88z>

BACKGROUND PAPERS A, C, D, E & K

App Registered: 23/08/2021

Expiry Date: 17/10/2021

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Councillor Waters on the grounds of highway safety.

The Application

This is an application that seeks consent for the conversion and change of use of two existing dwellings (use class C3), known as 2 and 2b Albert street, into one, 10 bedroom House in Multiple Occupation (HMO) (use class Sui Generis). The scheme includes the erection of a single storey rear extension, and the provision of a cycle shelter within the rear garden space.

The application site comprises of two no., two-storey dwellings, which are located at the end of a row of terrace properties along Albert Street. The dwellings are located on an existing residential street. The site is located approximately 20m to the north of the designated town centre of Hucknall.

Consultations

A site notice has been posted together with individual notification to surrounding residents.

The following responses have been received:

Resident Comments:

First round of community consultation:

14x Letters of concern/objection have been received from local residents raising the following:

- Highway implications
 - o Increased on-street parking
 - o Increase in traffic
 - o Site entrance too close to junction
 - o Detriment to vehicular and pedestrian safety
- Overshadowing impact
- Loss of privacy / ground level changes
- Dormer window overbearing / out of keeping
- Increased noise and disturbance / anti-social behaviour
- Increased amounts of waste
- Loss of security
- Drainage implications
- Loss of a family home – too many HMO's in the locality
- Disruption during construction works
- Decrease in property values

- Improvements to the derelict buildings is welcomed

Second round of community consultation (followed amendments to the scheme to reduce bedroom numbers, remove proposed dormer window, and reduce size of rear extension):

1x Letter of concern/objection has been received from a local resident raising the following:

- Loss of privacy
- Loss of a family home

Ashfield District Council Private Sector Enforcement (Housing):

No objections to the proposed development. If permission is granted, the applicant will be required to obtain a licence from the Private Sector Enforcement Team.

Ashfield District Council Conservation:

No observations to make on the application following amendments to the scheme.

Local Lead Flood Authority:

No comments to make on the application. Standing advice provided.

Nottinghamshire Highway Authority:

No objections to the proposed development. Revised plans and a Transport Technical Note have been received in support of the application.

Albert Street is subject to extensive parking restrictions on the western side with marked parking bays that are for "Permit Holders only Monday to Saturday 8am-6pm". A Traffic Regulation Order (TRO) is also present on the eastern side which prevents parking and loading, enforced by double yellow line markings. The road is also one-way negating visibility issues to the right on exit from the site.

In their current form, the existing dwellings could house 4/5 people each and this proposal will provide for 10 residents. Four off-street parking spaces are to be provided plus secure storage for 10 cycles. The site is located close to services and amenities, tram, train and bus links.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

National Planning Policy Framework (NPPF) 2021

- Part 5 – Delivering a Sufficient Supply of Homes
- Part 8 – Promoting Healthy and Safe Communities
- Part 9 – Promoting Sustainable Transport
- Part 12 – Achieving Well Designed Places
- Part 16 – Conserving and Enhancing the Historic Environment

Ashfield Local Plan Review (ALPR) 2002

- ST1 – Development
- ST2 – Main Urban Area
- HG8 – Residential Care Facilities, Houses in Multiple Occupation, Bedsits, Flats and Hostels

Supplementary Planning Documents

- Residential Design Guide 2014
- Residential Car Parking Standards 2014

Relevant Planning History

None.

Comment:

The application site is located within the main urban area of Hucknall and comprises of two properties at the end of a row of terrace houses, known as 2 and 2b Albert Street. The properties are observed to be in a poor state of repair and the rear garden space associated with both properties is significantly overgrown, with vegetation covering virtually the entire rear elevation of 2b Albert Street.

The properties are two-storey in height, and each comprise of two reception rooms and a kitchen at ground floor. 2 Albert Street comprises of three bedrooms at first floor, whilst 2b Albert Street comprises of two bedrooms at first floor. Neither

property currently benefit from rooms in the roof space. The two units are classed as C3 residential dwellings, and there are no restrictions on the size of families that could occupy the two dwellings.

The site is located on Albert Street, which is accessed off Torkard Way and is located within close proximity to Hucknall town centre (circa 20 metres).

Significant amendments to the proposed scheme have been provided since its first submission. This primarily includes a reduction in the number of bedrooms proposed (previously 12), the omission of a large rear dormer window, the reduction in the size of the proposed single storey rear extension, changes to the proposed parking provision and the addition of a cycle storage building.

As part of the proposed conversion scheme and change of use to a 10 bedroom, 10 person HMO, internal alterations are proposed to create a combined kitchen/living/dining room, as well as four bedrooms at ground floor level, four bedrooms at first floor level, and two bedrooms within the roof space. Each bedroom will benefit from its own bathroom space.

The area immediately surrounding the application site is predominantly residential in character and appearance. Properties surrounding the site on Albert Street are generally two and three storey, terraced properties constructed in the early to mid 1800's. A number of properties along Albert Street comprises of Locally Listed, non-designated heritage assets. This includes a series of properties located immediately to the west and north of the premises included within a collection of properties known as the 'Knitters Cottages'. The premises itself does not comprise part of this locally listed heritage asset, nor is the site located within the designated Conservation Area.

Properties to the south and east of the site on Perlethorpe Drive and Budby Rise, typically comprise of two-storey, semi-detached properties and comprise of more recent additions to the street scene, constructed in the early to mid 1900's.

The main issues to consider as part of this proposal is the principle of the development, the impact of the proposal on visual and residential amenity, highway safety, as well as matters relating to the historic environment.

Principle of Development:

The proposal site is located in the Main Urban Area as defined by Ashfield Local Plan Review 2002 (ALPR), Policy ST2 and the Proposals Map. The Policy identifies that development will be concentrated within the Main Urban Areas.

The NPPF 2021 sets out three overarching objectives to achieving sustainable development. These are an economic objective, a social objective, and an environmental objective. The social objective, amongst other things, seeks to support strong, vibrant and healthy communities, by ensuring that a sufficient

number and ranges of homes can be provided to meet the needs of present and future generations. The application would play a part in meeting this objective.

This objective is reflected in Part 5 – Delivering a Sufficient Supply of Homes of the NPPF 2021, which sets out the Government’s aim to significantly boost the supply of homes. Within this context, paragraph 62 of the Framework specifies that the size, type and tenure of housing need for different groups within the community should be considered. This, amongst others, includes rented properties, such as HMO’s as proposed by this application.

The proposal would subsequently be compliant with both local and national planning policy, provided all other material planning considerations could be appropriately satisfied.

Impact Upon the Character and Appearance of the Area & Heritage Assets:

External alterations are proposed as part of the development to facilitate the proposed conversion scheme and change of use to a 10 bedroom, 10 person HMO. Details of the proposed alterations are discussed in turn below.

The proposal seeks consent to demolish an existing small side extension along the southern elevation of 2 Albert Street, which presently comprises of a kitchen space. A new entrance door with a porch canopy is proposed to be installed in the side elevation in place of the demolished extension. An existing brick and corrugated iron outbuilding along the sites northern boundary, is proposed to be removed, and a new single storey, pitched roof outbuilding to form a secure cycle storage area erected in the sites north-eastern corner.

The two properties currently benefit from a partial stone wall along the frontage, adjacent to the highway edge. This wall is proposed to be removed and replaced with a new boundary treatment consisting of stone pillars and iron railings.

In terms of new additions to the dwelling itself, a new single-storey extension is proposed to be erected to the rear of the property. This will measure approximately 4.8m in depth and 8.5m in width. The extension will not project beyond the side elevation of the existing dwelling at 2 Albert Street. The rear extension will exhibit a flat roof design with the inclusion of a roof lantern. The extension will measure approximately 2.8m to the eaves and 3.2m in total height. The extension is proposed to be rendered and painted in a colour to match the rear façade of the dwelling. Revised fenestration and architectural detailing has also been introduced to the proposed rear extension to better reflect the existing fabric of the building, including corner stonework detailing, and the provision of stone cills and headers. The extension will therefore not appear at odds with the existing building or surrounding properties.

Four velux windows are proposed to be installed in the rear roof slope of the property, to provide natural light into the two bedrooms within the roof space. The

inclusion of roof lights rather than the originally proposed dormer window will help to ensure that the building's existing character is retained and a consistency of roofscape is maintained with nearby dwellings. A high proportion of nearby houses, including along Albert Street, have extended upwards into their loft space and introduced rooflights. This element of the proposal will therefore be both discrete in design and in keeping with the character and appearance of the local area.

As previously mentioned, the application site is located within close proximity to a locally listed heritage asset, known as 'Knitters Cottages'. It is however considered that given that the appearance of the front façade of the property will remain largely unaltered with the exception of a new boundary wall and railings, and a new front door, it is considered that the proposal would not give rise to any harmful impact to the nearby non-designated heritage asset. Further, the Council's Conservation Officer raises no objections to the proposed development.

Residents have raised concerns that the conversion of the properties into a HMO would be out of keeping with the predominant residential nature of the locality and would result in the loss of two family homes.

The locality is predominantly residential in character consisting mainly of C3 residential units in the form of houses and flats. Based on the Council's current records, there is understood to be five licensed HMO's (5 or more occupants) within the immediate locality along the streets of Albert Street, Titchfield Street, The Connery, Cooperative Avenue, Palmer Avenue, Budby Rise, Perlethorpe Drive and Kersall Gardens. When taking into account the number of dwellings along these roads, this amounts to just 1.8% of homes registered as licensed HMO's within the immediate local area. This is clearly a very modest number set against the total stock of dwellings in these streets, and as such the proposal would not result in an over-concentration of HMO's in the locality.

Approval of this proposal would subsequently not result in any materially unacceptable alteration to the character of the area given the low proportion of HMO's found locally. This must also be considered in the context of the 'fallback' position whereby each of the two properties could be converted into a 6-person HMO without the need to obtain planning permission. This fallback position would result in a greater number of people occupying the premises than proposed as part of this application.

Residential Amenity:

Existing Occupiers:

Concerns have been raised by local residents in respect of the overshadowing and overlooking / loss of privacy impacts arising from the proposed conversion and change of use scheme. This should be considered in the context of ground level changes between the application site and properties sited to the east and south on Perlethorpe Drive and Budby Rise, which are sited on a lower ground level to that of the application site.

Having regard to the overlooking impact, the Council's Residential Design Guide 2014 stipulates that 21m should be obtained between main aspect, habitable room windows to protect privacy. The separation distance between the rear windows sited in the proposed ground floor rear extension and those at 1 and 3 Budby Rise measure between approximately 20-21m. The separation distances between the rear windows and velux windows at first and second floor will measure approximately 25-26m. Whilst the ground floor separation distances fall marginally short of the 21m requirement, it is considered that suitably designed boundary treatments could be obtained along the sites eastern boundary to eliminate any possible overlooking from the ground floor rear extension, as well as the area of private amenity space and parking to the rear of the site. This would also mitigate against any increased overlooking already possible as a result of the ground level differences. This could be conditioned accordingly.

The scheme proposes the installation of a new window in the southern side elevation of the premises, facing towards 18 Perlethorpe Drive. A separation distance of approximately 10m between this side aspect window and those in the rear elevation of the aforementioned property would be achieved. Whilst this again falls below the required separation distance of 12m between side / main aspect windows, this should be considered in the context that a habitable room window serving a kitchen space currently exists within the existing side extension at 2 Albert Street. The current separation distance between this window and the rear of 18 Perlethorpe Drive is approximately 8.5m. As such, the overlooking impact on the neighbouring property would be no greater than what can already be experienced at the present time.

No alterations which would give rise to any increased massing, overshadowing or overlooking impact are proposed to the front façade of the premises.

Having regard to the potential overshadowing impact, the neighbouring property at 4a Albert Street exhibits an approximately 5m deep extension to the rear of the property, with a solid brick wall built along the length of the boundary with the application site. The extension would therefore not give rise to any significant overshadowing or massing impact on the neighbouring property, nor would it cause any detriment to nearby properties on Budby Rise or Perlethorpe Drive by virtue of massing or overshadowing.

Likewise, due to the separation distance between the proposed cycle shelter and nearby properties, this aspect of the scheme would also not give rise to any significant loss of light or massing impact.

Concerns have also been raised in respect of increased noise and disturbance arising from the proposed HMO use.

It is important to note that the planning system does not assess / discriminate against specific social demographics, nor is it reasonable to assume that future HMO residents will be any more likely to generate more general noise or disturbance than any other household. Should any specific issues arise as a result of the occupation of the property as a HMO (for example, noise complaints), this would need to be investigated / dealt with via the appropriate channels, and would follow the same process as if the properties remained as C3 dwellings. A condition would nevertheless be attached to any permission requiring a sound test to be carried out and where necessary, acoustic insulation installed during the conversion works, as well as the provision of a HMO Management Plan to be provided prior to the first occupation of the HMO, if permitted.

Future Occupiers:

The proposed HMO would afford any future occupiers with an acceptable standard of amenity, with all rooms meeting the Council's minimum standards. Although the area of private amenity space to the rear of the premises has been reduced to facilitate off-street parking provision, and therefore is not deemed to be of a suitable size for the proposed development, the site is centrally located within the main urban area of Hucknall and lies within close proximity and walking distance of areas of public open space.

Highway Safety:

Concerns have been raised by local residents regarding increased traffic and on-street parking as a result of the proposed development.

As can be observed on site, properties within the vicinity of the site are largely set on the back edge of the public highway, and as such, many do not benefit from off-street parking provision. The application site does however benefit from an existing dropped vehicular access onto Albert Street. An area of off-street parking to the rear of the premises, comprising of four spaces, is proposed to be created and the existing dropped kerb utilised to access this provision. The Highway Authority have raised no objections in respect of the proposed parking provision and have advised that visibility on egress from the site is adequate.

Albert Street is subject to extensive parking restrictions on the western side with marked parking bays that are for "Permit Holders only Monday to Saturday 8am-6pm". A Traffic Regulation Order is also present on the eastern side which prevents parking and loading, enforced by double yellow line markings. These measures would limit any potentially dangerous on-street parking arising from the proposed development.

In addition, it would be wrong to presume that the occupation of the premises by 10 people would automatically lead to a significantly higher demand for parking than if the two properties were occupied as family homes. The site is very close to the town centre (20 metres) with its amenities and services, and the bus station, railway station and tram stop are also located nearby (100m and 400m, respectively). As

such, it is a reasonable assumption that future residents would be attracted by opportunities to use public transport or walk or cycle to local services and employment centres, and car owners may not necessarily occupy the site. A cycle store for up to 10 cycles is also proposed as part of the scheme, encouraging the use of this mode of transport.

Paragraph 111 of the Framework says development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative effects on the road network would be severe. It is therefore concluded that the proposal would not significantly increase the demand for parking in the surrounding area or impact on highway safety.

Previous Appeal Decision:

Appeal decisions for other HMO applications (change of use from C3 dwellings) have recently been approved through the Planning Inspectorate following the Council's refusal of such applications. One application which is pertinent to identify is an application for a HMO on the adjacent street to this application. The details are as follows:

V/2020/0213 (54 Titchfield Street, Hucknall) – Change of use from dwelling C3 to 6 bedroom (8 person) house of multiple occupation.

Council's reasons for refusal summarised as follows:

1. Intensification of use would result in the loss of a family home in a primary residential area. 3 floors results in overlooking, increase in noise and disturbance/comings and goings means significant impact on neighbours.
2. Fails to provide adequate off-street parking provision where on street parking is significantly restricted for residents, visitors and deliveries. Unacceptable impact upon highway safety.

This appeal decision forms a material consideration during the determination of this application.

Firstly, the Inspector recognised that the dwelling could be converted into a HMO (6-bedroom, 6 person) within the C4 use class without planning permission, under Permitted Development (PD) rights. As stated earlier in this report, the fall-back position for the applicant would be to convert both 2 and 2b Albert Street into two separate 6 bedroom, 6 person HMO's, which would result in greater number of people residing at the two respective properties than what is proposed as part of this application.

Although the application was refused in part due to the loss of a family home, the Inspector identified that no specific development plan policies sought to protect family-sized dwellings over other forms of accommodation. This has not changed since this decision.

In the context of the application, whilst five other HMO's were identified within the vicinity of the site, set within a predominantly residential area, the Inspector concluded that this was a modest number set against the total number of dwellings within these streets, and as such the proposal would not result in an over-concentration of HMO's in the locality. The Inspector therefore did not accept that the proposal for an additional HMO would result in any materially unacceptable alteration to the character of the area. The Inspector reinforced that the loss of a family-sized dwelling could take place outside the consideration of a formal planning application for a HMO.

The Inspector also determined that, in the context of assessing overdevelopment / intensification and the subsequent impact upon the amenity of neighbours, that the necessary assessment had to be based on whether any increase in bedrooms / occupants over and above the 6 which could be created under PD would cause harm. The Inspector concluded that a greater number of occupants is not in itself evidence that a larger HMO would cause material harm to neighbouring occupants' living conditions or the character of the area, and that there was no evidence to suggest that an increase in comings and goings would be significant in number, would occur continuously, or at such volume that it would cause significant harm to the living conditions of neighbours. As such, it was ultimately considered that any noise generated from a HMO would not necessarily be any greater than from a single large family or from occupiers of self-contained flats.

The Inspector considered that a HMO use would not exacerbate the potential for overlooking or necessarily contribute to loss of privacy, above what would be expected if the property were used as a family home.

The demand for on-street parking was also considered during the appeal. The Inspector considered that it would be wrong to presume that additional persons above the 6-person PD threshold would automatically lead to a significantly higher demand for parking. Furthermore, it is a reasonable assumption that future residents could utilise opportunities to use public transport, or walk or cycle to local services and employment, particularly given the sites proximity to Hucknall town centre (75m from the town centre, compared to 20m in this case) and that there is no evidence to suggest that car owners would occupy the premises.

Conclusion:

The existing premises currently comprises of two dwellings; 2 Albert Street being a 3 bed property, and 2b Albert Street being a 2 bed property, with permission being sought to convert the two premises into one unit, comprising of a total of 10 bedrooms across three floors to be utilised as a 10 person HMO.

Information available in respect of licensed HMO's indicates that there are five HMO's within the immediate vicinity of the application site (Albert Street, Titchfield Street, The Connery, Cooperative Avenue, Palmer Avenue, Budby Rise, Perlethorpe

Drive and Kersall Gardens), which amounts to 1.8% of the homes within the aforementioned residential roads being utilised as licensed HMO's, demonstrating that the proposal would not result in an over-concentration of HMO's within the locality.

It is considered that the proposed development, consisting of a change of use and associated internal and external additions / alterations (single storey rear extension, roof lights, cycle store etc), would not detrimentally harm the living conditions or amenities of residents living within the vicinity of the application site, nor would the alterations be detrimental to the character and appearance of the area and wider street scene.

Planning conditions are proposed which would help to further alleviate any detriment to the amenity of nearby residents.

Although this application has to be considered on its own merits, a previous appeal decision on the adjacent street (Titchfield Street) is a material consideration and should be attributed due weight accordingly during the determination of this application.

Based on current provision and capacity, in addition to new provision provided by the proposed development, it is considered that the proposal would not significantly increase the demand for on-street parking, nor would the proposal detrimentally affect the capacity or safety of the highway network.

Therefore within the planning balance, it is recommended this application be granted planning permission, subject to the below conditions:

Recommendation: Grant Conditional Consent

CONDITIONS

- 1. The development hereby approved shall be begun before the expiration of 3 years from the date of this permission.**
- 2. This permission shall be read in accordance with the following plans and details: Proposed Block Plan, Drawing No. A002 Rev A, Received 23/11/21; Proposed Ground Floor Plans, Drawing No. A006 Rev A, Received 23/11/21; Proposed First Floor Plans, Drawing No. A007 Rev A, Received 23/11/21; Proposed Second Floor Plans, Drawing No. A008 Rev A, Received 23/11/21; Proposed Elevations, Drawing No. A010 Rev A, Received 23/11/21; Proposed Cycle Store Floor Plans and Elevations, Drawing No. A013 Rev A, Received 23/11/21. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.**

- 3. Prior to the occupation of the hereby permitted use, a sound test and details of any necessary insulation against the transmission of noise associated with the hereby approved use to the neighbouring properties shall be submitted and approved in writing by the Local Planning Authority. This test shall be carried out in accordance with Part E of Building Regulations.**
- 4. Prior to the occupation of the hereby permitted use, a HMO Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan, shall as a minimum, include the following details:**
 - Agent for day-to-day site and accommodation management (including contact details)**
 - Management of noise and nuisance**
 - Moving in and out procedure**
 - Maintenance procedure**
 - Cleaning arrangements**
 - Safety and security arrangements**
 - Waste management**
 - Management of car and cycle parking**
 - Tennant requirements**
- 5. The outbuilding to the rear of the site shall be used for no other purpose other than for the storage of cycles.**
- 6. Prior to the occupation of the hereby permitted development the following matters shall be submitted to and agreed in writing by the Local Planning Authority:**
 - (a) Full details of the proposed treatment of the site's boundaries.**
 - (b) A phasing scheme for the implementation of the agreed boundary treatment.**

The boundary treatment shall be undertaken in accordance with the agreed details.
- 7. The hereby approved House in Multiple Occupation shall provide residential accommodation for a maximum of ten people.**

REASONS

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended.**

2. To ensure that the development takes the form envisaged by the Local Planning Authority when determining the application.
3. In the interests of residential amenity.
4. In the interests of residential amenity.
5. In the interests of residential amenity.
6. In the interests of residential amenity.
7. To define the terms of this permission and for the avoidance of doubt.

INFORMATIVES

1. The applicant/developer is strongly advised to ensure compliance with all planning conditions, if any, attached to the decision. Failure to do so could result in LEGAL action being taken by the Ashfield District Council at an appropriate time, to ensure full compliance. If you require any guidance or clarification with regard to the terms of any planning conditions then do not hesitate to contact the Development & Building Control Section of the Authority on Mansfield (01623 450000).
2. The applicant/developer is strongly advised to contact the Council's Private Sector Enforcement to obtain the relevant license before the property is first occupied as a House in Multiple Occupation. The team can be contacted by email on privatesector@ashfield.gov.uk or by telephone on 01623 457345.