



Appeal Decision

Site visit made on 10 March 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/Q3060/W/24/3357341

53 Beeston Road, Nottingham NG7 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Vinay Parmar (VNP 2 Ltd) against the decision of Nottingham City Council.
 - The application Ref is 24/01307/PFUL3 (PP-13298918).
 - The appeal development is described as 'Change of Use from C4 Residential (6 bedroom) to Sui Generis (7 bedroom dwelling) with no external alterations proposed'.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from C4 Residential (6 bedroom) to Sui Generis (7 bedroom dwelling) with no external alterations proposed at 53 Beeston Road, Nottingham NG7 2JS in accordance with the terms of the application, reference 24/01307/PFUL3 (PP-13298918), subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: existing floor plans, elevations, site block plan & OS plan (001) & proposed floor plans, elevations, site block plan & OS plan (002).

Preliminary Matters

2. The appeal property is in an area covered by an Article 4 Direction which removes permitted development rights for the change of use of a single dwelling house to a house in multiple occupation (HMO), for between 3 and 6 people, within Use Class C4 of the Town and Country Planning (Use Classes) order 1987 (as amended). The Council indicates that the planning history of the appeal site does not include an application for change of use and there was not Certificate of Lawfulness issued to confirm the lawful use of the property as a C4 HMO. Notwithstanding this, the Council is satisfied, based on the Nottingham City Council's public HMO Register, that the appeal site has had a 6 person HMO licence since at least 2017. Accordingly, both parties agree that the current use of the appeal property is an HMO that accommodates 6 people. I have considered the appeal on this basis.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as any policies that are material to this decision have not fundamentally changed, I

am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
- community balance, having regard to relevant development plan policy and other material considerations; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise, disturbance and parking.

Reasons

Community balance

5. The appeal property is a mid-terrace dwelling located in a high-density residential area. The appellant, through the proposed change of use, is seeking to increase the number of bedrooms from 6 to 7 by converting an existing study room into a bedroom, and to increase the occupancy from 6 to 7 people.
6. The Council is concerned that if permission were granted for the change of use to a larger Sui Generis HMO, there would be no upper limit on the number of occupants within the property. However, the application form confirms the proposal would be for 7 occupants and so any increase beyond this would require planning permission. Furthermore, there is no substantive evidence before me that the dwelling would not be capable of adequately accommodating 7 occupants.
7. Policy 8 of the Aligned Core Strategies Part 1 Local Plan (ACS) 2014 outlines the general approach to residential development within the city and the neighbouring boroughs. It 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. Policy HO6 of Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 2020 (LAPP) refers to HMOs and purpose-built student accommodation (PBSA).
8. Part 2 of LAPP Policy HO6 sets out the criteria to which regard needs to be given when assessing the development's impact on local objectives to create or maintain community balance. One of these refers to the existing proportion of HMOs and/or other student households in the area and whether this proportion amounts or will amount to a 'Significant Concentration' as calculated using the methodology shown in LAPP Appendix 6. Based on this, the Council informs that the surrounding area has a high concentration of students and HMOs, with the output area that the appeal site is within has 69% student or HMO properties, and the average of the adjoining output areas is 58% student or HMO properties. Therefore, in this case the percentage of student or HMO properties exceeds the 10% threshold set by the Council.
9. Part 2 of LAPP Policy HO6 also refers to the individual characteristics of the building and immediate locality and the effect of the development on the character and amenity of the area. No evidence regarding specific problems caused by HMOs in the appeal site area has been provided by the Council.

10. There is no dispute that the area of the appeal site has a high concentration of HMOs and students. Given the existing use of the appeal property, the proposal would not create a new HMO. An important consideration in this regard is whether the degree of intensification of use is such that it amounts to a notable change in the community balance. The development would involve no internal or external alterations. The number of bedrooms would increase from 6 to 7 by relabelling an existing study room located at the first-floor level as 'bedroom 7'.
11. Given the very modest increase in the number of occupants and the minimal alterations needed to accommodate that, I find that the proposed change of use would not lead to such a considerable degree of intensification of use that would warrant a notable change in the community balance. I note that the Council's concern is about the cumulative impact that similar developments would have on the community balance. Whilst I acknowledge this concern, all developments need to be considered on their own merits and the Council has not provided any evidence regarding specific problems with HMOs in the vicinity of the appeal site.
12. Accordingly, given the current occupancy of the appeal property, the lack of evidence regarding problems caused by HMOs in the area, and the very limited increase in the number of occupants, I find that the development would not have a significant effect on the overall balance of the community. As such, it would not conflict with the aims of ACS Policy 8 and LAPP Policy HO6.

Living conditions

13. The Council stated that the increase in the number of occupants might lead to an increase in noise, anti-social behaviours, poorly maintained property, and inappropriate management of waste disposal because these are common issues associated with HMOs. I note that the Council has imposed the Article 4 direction due to these general issues. The Council also referred to a high turnover of occupants, and the absence of residents outside term times. However, no specific evidence has been provided which relates to the appeal property or this area. This is particularly relevant as the evidence indicates that the property has been used as an HMO for several years.
14. The small increase in the number of people living at the property, from 6 to 7, would be unlikely to lead to an unacceptable level of noise or disturbance. Whilst HMOs may have a high turnover of occupants and a possible absence of residents outside term time, the proposal would not be significantly different from the current situation. I have not been informed of any specific issues regarding these matters, having regard to the current use and occupancy. Furthermore, there is not any indication that the appeal property is poorly maintained, nor should it be assumed that the increase in occupancy as proposed would result in such. Based on the evidence submitted by the appellant and from what I have seen during my site visit there are no signs of problems in the area associated with waste disposal. I therefore see no reason why a small increase in the number of people currently living at the property should lead to such problems in the future.
15. The Council also raised concerns regarding on-street parking. I observed at my site visit that parking restrictions are in place during the week and the Council have not outlined any concerns regarding parking at other times. Furthermore, I have not been informed about any concerns from the Highway Authority regarding on-street parking capacity in the area. There is also no evidence that nearby residents

have been affected by the existing HMO or would be due to an additional occupant.

16. In conclusion, I find that the development would not cause harm to the living conditions of nearby occupants. Accordingly, there would be no conflict with Policy 10 of the ACS and Policies DE1, DE2, HO6 and IN2 of the LAPP, which collectively seek, amongst other things, to protect the amenity of nearby residents.

Other Matters

17. The Council has drawn my attention to several appeal decisions¹ which relate to developments within proximity of the appeal site. I do not find the appeal development directly comparable with those developments, due to, amongst other things, the difference in the number of additional occupants proposed and, in some cases, additional alterations needed to accommodate that. The appellant has also referred to other Council's decisions and appeal decisions, although I have not been provided with full details of those cases to demonstrate the appeal development is directly comparable with them. Nevertheless, I have considered the appeal scheme based on its own merits and site-specific circumstances.
18. I have taken into account the concerns expressed by the University of Nottingham and I have had regard to the Nottingham Student Living Strategy, which outlines the HMOs challenges and the benefits of PBSA. However, these do not alter my findings regarding the acceptability of this proposal, as set out above.

Conditions

19. In addition to the standard time limit condition, I have specified the approved plans in order to provide certainty.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions specified above.

Andreea Spataru

INSPECTOR

¹ Appeal refs: APP/Q3060/C/23/3328530, APP/Q3060/W/20/3257103 & APP/Q3060/W/20/3257101.