



Appeal Decision

Site visit made on 22 April 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th June 2025

Appeal Ref: APP/J3015/W/25/3359633

26 Birley Street, Stapleford, Nottinghamshire NG9 7GE

- 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 Rae Ingrey against the decision of Broxtowe Borough Council.
 - The application Ref is 24/00754/FUL.
 - The development proposed is described as 'Sui generis conversion of 6 bed 6 person HMO to 6 bed, 8 person HMO.'
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Decision

1. The appeal is allowed and planning permission is granted for 'Sui generis conversion of 6 bed 6 person HMO to 6 bed, 8 person HMO' at 26 Birley Street, Stapleford, Nottinghamshire NG9 7GE in accordance with the terms of the application, Ref 24/00754/FUL, 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 drawing nos BS-No26-PA-002 Rev A and BS-No26-PA-003.

Preliminary Matter

2. The description of development in the banner heading is taken from the application form. The Council has referenced the proposal on the decision notice as 'conversion to 8 person HMO' but I have seen nothing in writing to indicate that this alternative wording was agreed by the appellant. My formal decision therefore reverts to the original wording from the application form.

Main Issue

3. The Council references highway safety in its reason for refusal, but its evidence suggests that the concerns relate more to the availability of on-street parking for local residents. Accordingly, I consider the main issue in to be the effect of the proposal on the living conditions of local residents with regard to car parking, noise and disturbance.

Reasons

4. The appeal site consists of a semi-detached property in a residential area. Very few of the properties in the street have off-street parking, and there are currently no restrictions for on-street parking. At the time of my site visit there was a moderate amount of on-street parking available close to the appeal site. However, this was only a snapshot in time during the middle of a weekday morning, when

people may have left their homes to go to work or the shops, for example. Given the number of houses in the Birley Street and the surrounding area, I do not doubt that on-street parking would be more limited during evenings and weekends when people are likely to be at home.

5. The Council does not appear to dispute that the property has already been converted to a House in Multiple Occupation (HMO) for up to six persons through permitted development. The appeal proposal would see two of the existing single bedrooms turned into double bedrooms. As no new bedrooms or households are being created, and as the occupiers of the double rooms could well be couples who share a car, it is unlikely that the proposal would result in any significant increase in the number of cars used by the occupiers of the property. Furthermore, there are bus stops and a parade of shops within walking distance of the appeal site, so current and future occupiers of the HMO would not necessarily be reliant on cars.
6. During the original application, a representation was received from a neighbouring resident saying they like to park as close to their house as possible for medical reasons. I have had regard to the evidence of the personal circumstances of this neighbouring resident and from this I cannot rule out the possibility that they may have protected characteristics under the Equality Act 2010 (EA2010). Consequently, I have had due regard to the Public Sector Equality Duty (PSED) contained at Section 149 of the EA2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
7. Since it has not been demonstrated that the proposal would lead to a significant demand for additional on-street parking, it would not be reasonable to dismiss the appeal on the grounds that the scheme would prejudice the ability of a resident with medical needs to park near their property.
8. The Council contends that two additional occupants at the HMO may give rise to unacceptable noise and disturbance. However, it provides no substantive evidence to support this assertion, and I note that there is no evidence of any complaints to the environmental health department regarding the existing use. Although local residents have raised concerns regarding bins left at the front of the property and people smoking in the doorway, I have not been provided with the evidence to persuade me that this results in a level of harm sufficient to justify dismissing the appeal.
9. For these reasons, the proposal would not cause unacceptable harm to the living conditions of occupiers of neighbouring properties. The proposal would therefore accord with Policy 17 of the Broxtowe Borough Council Part 2 Local Plan 2018-2028 (2019) and Policy 10 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (2014), insofar as they seek to protect the living conditions of nearby residents or occupiers.

Other Matters

10. In the officer's report, the Council states that 'the layout and design of the bedroom is not optimal and the room size for two occupants is relatively small.' However, it is not clear which particular bedroom the Council is referring to, and this matter was not included in the reason for refusal. Notwithstanding this, the Council

accepts that the two bedrooms which would have two occupants would satisfy the minimum space standards. From the evidence before me, the bedrooms appear to be of a reasonable size and would be adequately furnished. I therefore have no justifiable reason to conclude that the proposal would lead to unsatisfactory living conditions for the occupiers of the HMO.

11. A number of nearby residents have raised concerns surrounding the conversion of a family house to an HMO. However, as stated above, the conversion to an HMO appears to have been carried out through permitted development. This appeal proposal is for conversion to a larger HMO to accommodate two additional occupiers within existing bedrooms, and not the creation of the HMO itself. As such, any matters which have been raised regarding the conversion of a family house to an HMO fall outside the scope of this appeal.
12. It is suggested that a property containing individual flatlets would not constitute an HMO. However, as the property would contain a shared communal kitchen space available to all of the occupants, I have no reason to believe that the appeal property would not meet the definition of an HMO as set out in Section 254 of the Housing Act 2004.
13. I have taken into account the concerns from local residents regarding the effects of the proposal on the character of the street, privacy and infrastructure and amenities. However, the property is already in use as an HMO for up to six persons, and there is no evidence before me to demonstrate that the addition of two further occupants would have adverse effects in respect of these matters. Although it is suggested that an Environmental Impact Assessment is required, the scheme falls well short of the relevant thresholds for the submission of an Environmental Statement.
14. The effect of a proposal on property values is not a material planning consideration. The premature advertising of rooms and profiteering are matters which fall outside the scope of this appeal. I have made my decision based on the planning merits.

Conditions

15. The standard time limit condition and a condition specifying the approved plans are necessary to provide certainty and in the interests of proper planning.
16. I note from the officer report that the Council's Environmental Health team suggested conditions to limit construction noise and require the submission of a construction/method statement. However, as the proposal would not result in any construction work to the property, these conditions would be neither reasonable nor necessary.

Conclusion

17. For the reasons given above the appeal should be allowed.

D Ellis

INSPECTOR