
Appeal Decision

Site visit made on 15 April 2025

by **Andreea Spataru BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 June 2025

Appeal Ref: APP/Q3060/W/25/3358912

53 - 65 Montpelier Road, Nottingham NG7 2JY

- 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 Stephen Mura (SJRI Property) against the decision of Nottingham City Council.
 - The application Ref is 24/00748/PFUL3 (PP-13036150).
 - The development proposed is the change of use of the 7 upper floor maisonettes from C3 to C4 use.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development above has been taken from the Council's decision notice and the appeal form, rather than the application form, as it is more precise.

Main Issues

3. The main issues are the effect of the proposal on:
 - housing mix, having regard to relevant development plan policies; and
 - the living conditions of the occupiers of neighbouring properties, with particular regard to noise, level of activity, property upkeep, waste disposal, turnover of occupants, and parking, and linked to this on the surrounding area.

Reasons

Housing mix

4. 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.
5. Policy HO1 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (LAPP) 2020 relates to housing mix. The explanation for the policy outlines the underlying evidence that shows the low provision of family homes within the city. It states that dwellings are often being used as homes in multiple occupation (HMO) which has had implications for the choice of accommodation for citizens seeking to move up the housing ladder whilst remaining in the city. It is also influencing the sustainability of local services. Part

of the approach is to resist the loss of existing dwellings that are suitable for family housing.

6. Policy HO2 of the LAPP also seeks to protect dwellinghouses (use class C3) suitable for family occupation and include a presumption against the conversion of such properties to a C4 HMO dwelling unless certain criteria apply.
7. There is disagreement as to whether the proposal would result in the loss of dwellinghouses suitable for families. The supporting text of Policy HO1 defines family housing as likely to be of no more than three storeys, have private enclosed gardens, and have three or more bedrooms, two of which are capable of double occupancy. The use of the term 'likely' indicates that it is not essential that all those criteria must all be met in all cases but rather points to a range of relevant factors which allow a judgement to be made in the circumstances.
8. The proposal seeks to change the use of seven maisonettes, which are part of a row of terraced properties, from C3 to C4 HMO. The maisonettes extend across the first and second floors. Six of them have three bedrooms and one maisonette has four bedrooms. Each maisonette has its own entrance, via a flight of stairs, to the rear of the buildings. However, there is an absence of private enclosed gardens. Accordingly, there are factors both for and against considering the existing maisonettes as meeting the definition of 'family housing' in the LAPP.
9. There are constraints relating to access and outside space that render the units less than ideal. Nevertheless, the proximity to school and public playground provision would be attractive to families. Neither is evidence provided of unsuccessful attempts to sell or let for family accommodation. Overall, I consider it likely that the existing units do have a valuable part to play in widening accommodation choice within the housing mix of the city, including families with children.
10. Policy HO6 of the LAPP relates to HMOs and Purpose-Built Student Accommodation, and states that planning permission for these developments will only be granted where it does not conflict with Policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.
11. Part 2 of 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, where the output area that the appeal site is within has 45% student households and HMOs, and the average including the adjoining output areas is 39% student households and HMOs. Therefore, in this case the percentage of HMO properties significantly exceeds the 10% threshold set by the Council. This has not been contested by the appellant.
12. The appellant's evidence includes a letter from a lettings and management company, which indicates that they receive 3-5 enquiries per week from medical professionals and students. The letter states that there is a shortage of HMOs tailored to accommodate medical professionals and that the appeal properties,

because of their layout and location in proximity of the Queen's Medical Centre would be appropriate for such use. The proposal may provide lower cost properties for such medical professionals. However, the extent of this benefit would be limited given the small-scale nature of the proposal and would not justify overriding the strategic direction set out in the development plan policies.

13. Consequently, the proposal would displace housing that could be used by families and exacerbate an over-concentration of HMO properties. This would run counter to the housing mix objectives set out in the development plan, which seek to create or maintain sustainable, inclusive and mixed communities.
14. Accordingly, the proposal would be detrimental to the housing mix. This is contrary to the aims of Policy 8 of the ACS and Policies HO1, HO2, and HO6 of the LAPP, as set out above.

Living conditions and surrounding area

15. The Council asserts that the proposed change of use might lead to an increase in noise, anti-social behaviour, poorly maintained properties, and inappropriate management of waste because these are common issues associated with HMOs. The Council also referred to a high turnover of occupants and the absence of residents outside term times if the property would be occupied by students.
16. The submitted plans indicate that six of the HMOs would have three bedrooms, and one of them would have four. The appellant indicates that the properties would have 3 or 4 individuals living in each maisonette, depending on the number of bedrooms. Taking into account the potential for each occupant to have individual schedules, deliveries and visitors, there is likely to be some intensification of activity when compared to a house occupied by a family. However, given the proposed number of occupants, this intensification would be slight, and any increase in the levels of noise would be limited and it is not shown that this would result in problematic levels of disturbance to nearby occupiers.
17. The Council is also concerned that if permission were granted for the change of use to HMO, there would be further intensification of use if part of the living areas would be converted into an additional bedroom, or the second-floor bedroom would be converted into two bedrooms. However, the appellant's evidence confirms that the properties would be for 3 or 4 occupants depending on the existing number of bedrooms. Based on the submitted drawings, there is no substantive evidence before me that the properties would not be able to adequately accommodate the number of occupants proposed. I have considered the proposal on this basis.
18. I noticed during my site visit that bins are stored to the rear of the properties, some of them were under the stairs that lead to the maisonettes' entrances. 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 have no evidence before me to suggest that the upkeep of the property would differ significantly in relative terms based on the type and tenure of occupation.
19. Given the proposed change of use, there would be a possibility for the appeal properties to be occupied by students. I acknowledge that where there are high numbers of properties vacant out of term time this can have a negative effect on the character of the area, which in turn, could adversely affect living conditions of

neighbouring residents. However, there is no certainty that all seven properties would be let out to students. If young professionals were residing there, they would be unlikely to be absent for extended periods of time. Thus, this matter alone would not have a significant detrimental impact on the living conditions of the nearby occupants or the surrounding area.

20. The Council also expressed concerns about the additional demand for on street parking that would be created as a result of the proposal and the effect that this would have on neighbouring amenities. 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. Given the proximity of the site to local services and facilities, not all occupiers would necessarily need a car. Furthermore, I have not been informed about any concerns from the Highway Authority regarding on-street parking capacity in the area.
21. In conclusion, I find that the development would not cause harm to the living conditions of nearby occupants and would not have a detrimental effect on the surrounding area, with regard to noise, activity, property upkeep, waste disposal, turnover of occupants, and available parking. Accordingly, in these regards, there would be no conflict with Policy 10 of the ACS and Policies HO6, DE1, DE2, and IN2 of the LAPP, which collectively seek, amongst other things, to protect the amenity of nearby residents and the local environment, and to ensure an appropriate level of parking provision.

Conclusion

22. Although I did not find harm in relation to living conditions and surrounding area, the proposal nevertheless conflicts with development plan taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

Andreea Spataru

INSPECTOR