



Appeal Decision

Site visit made on 01 July 2025

by **A Tucker BA (Hons) IHBC**

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/Y1110/W/25/3360755

23, Lucas Avenue, Exeter, Devon EX4 6LZ

- 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 Dr Clemens Oliver Hanemann against the decision of Exeter City Council.
- The application Ref is 24/0989/FUL.
- The development proposed is change of use of 23 Lucas Avenue from dwelling house to small HMO.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published its revised National Planning Policy Framework. Its content relative to the main issue of the appeals is largely unchanged. It has not therefore been necessary to give the parties opportunity to comment on the revisions.
3. The property is already occupied as a small HMO (a house in multiple occupancy), and the proposal is described as retrospective on the application form. I have considered the appeal on this basis.

Main Issue

4. Whether the change of use is appropriate, taking into account the number of existing HMOs in the area.

Reasons

5. Saved Policy H5 of the Exeter Local Plan First Review 2005 (LP) supports the conversion of dwellings to other residential uses including HMOs, providing that the proposal will not create an over concentration of the use in any one area of the city which would change the character of the neighbourhood or create an imbalance in the local community.
6. The evidence from the Council establishes that there is already an over concentration of HMOs in the area, which are primarily for student accommodation associated with the St Luke's Campus of the University of Exeter. Such accommodation is recognised to often be harmful to the living conditions of those who occupy nearby dwellings due to the intensity of its use and the transitory nature of the tenants. An over concentration can erode social cohesion and imbalance the local community. Further common issues relate to additional requirements for car parking, the poor physical appearance of such buildings and problems with the management of waste and recycling. This position is affirmed by

the Article 4 Direction that covers the area, which was made in response to existing areas of over concentration and restricts the conversion of dwellings into HMOs. It is further reinforced by the representations made to the Council by local residents regarding the appeal proposal and their lived experience of these impacts. The Council's SPD¹ resists any further changes of use to HMOs within the area covered by the Article 4 Direction.

7. At my visit I could see that the building is well maintained and does not have the typical appearance of an HMO. The appellant advises that he has never had more than one parking permit and that he only lets the property to older students and young professionals, thereby hoping to avoid some of the anti-social behaviours typically associated with student housing. However, there is nothing before me to ensure that the property will always be managed in this way and a change in ownership could result in an entirely different style of management; and in any case this does not address the issue with the transient nature of HMO occupancy and the adverse impact this has on social cohesion.
8. In summary, the change of use is not appropriate, taking into account the existing over concentration of HMOs in the area. It would be contrary to the SPD, and Saved Policies H5 and DG4 of the LP, which seek to ensure that the conversion of dwellings into other residential uses would not result in an over concentration of that use in any one area, and that proposals ensure a quality of amenity.
9. In its decision the Council also refers to Policy DD11 of the Exeter City Council Development Delivery DPD. A copy of this Policy has not been provided. The Council states that it is not adopted, and it is not clear what status it has. It has not therefore been determinative.

Conclusion

10. For the reasons given above the appeal should be dismissed.

A Tucker

INSPECTOR

¹ Houses in Multiple Occupation Supplementary Planning Document 2023