
Appeal Decisions

Site visits made on 17 June 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 July 2025

Appeal A Ref: APP/Q3060/W/24/3357820

26 Heron Drive, Nottingham, NG7 2DE

- 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 VSHF - Nottingham against the decision of Nottingham City Council.
 - The application Ref is 24/01168/PFUL3.
 - The development is single storey rear extension to existing HMO property.
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Appeal B Ref: APP/Q3060/W/24/3357821

40 Heron Drive, Nottingham, NG7 2DE

- 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 VSHF - Nottingham against the decision of Nottingham City Council.
 - The application Ref is 24/01169/PFUL3.
 - The development is single storey rear extension to existing HMO property.
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Appeal C Ref: APP/Q3060/W/25/3360186

83 Heron Drive, Nottingham, NG7 2DF

- 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 VSHF - Nottingham against the decision of Nottingham City Council.
 - The application Ref is 24/01171/PFUL3.
 - The development is single storey rear extension to existing HMO property.
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Appeal D Ref: APP/Q3060/W/25/3360188

110 Heron Drive, Nottingham, NG7 2DG

- 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 VSHF - Nottingham against the decision of Nottingham City Council.
 - The application Ref is 24/01172/PFUL3.
 - The development is single storey rear extension to existing HMO property.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for single storey rear extension to existing HMO property at 26 Heron Drive, Nottingham, NG7 2DE, in accordance with the terms of the application, Ref 24/01168/PFUL3, subject to the following condition:
 - 1) The development hereby approved is that shown on drawing no. 2303 – 26HD03a Existing and Proposed Plans, Sections and Elevations, and Location Plan produced 12 July 2024.

Appeal B

2. The appeal is allowed and planning permission is granted for single storey rear extension to existing HMO property at 40 Heron Drive, Nottingham, NG7 2DE, in accordance with the terms of the application, Ref 24/01169/PFUL3, subject to the following condition:
 - 1) The development hereby approved is that shown on drawing no. 2303 – 40HD04 (Revised) Existing and Proposed Plans, Sections and Elevations, and Location Plan produced 12 July 2024.

Appeal C

3. The appeal is allowed and planning permission is granted for single storey rear extension to existing HMO property at 83 Heron Drive, Nottingham, NG7 2DF, in accordance with the terms of the application, Ref 24/01171/PFUL3, subject to the following condition:
 - 1) The development hereby approved is that shown on drawing no. 2303 – 83HD04 (Revised) Existing and Proposed Plans, Sections and Elevations, and Location Plan produced 12 July 2024.

Appeal D

4. The appeal is allowed and planning permission is granted for single storey rear extension to existing HMO property at 110 Heron Drive, Nottingham, NG7 2DG in accordance with the terms of the application, Ref 24/01172/PFUL3, subject to the following condition:
 - 1) The development hereby approved is that shown on drawing no. 2303 – 110HD04 (Revised) Existing and Proposed Plans, Sections and Elevations, and Location Plan produced 12 July 2024.

Background and Procedural Matters

5. As the above appeals all relate to the same form of development, to similar houses within the same street, submitted by the same appellant and refused planning permission by the Council for the same reasons, I have dealt with them in a single decision letter. My attention has been drawn to three other recent appeal decisions¹, relating to other similar proposals in the same area, also submitted by the same appellant and refused for the same reasons. I have taken those decisions and the Council's comments on them into consideration.
6. It is common ground between the main parties that the extensions are acceptable in terms of their scale, design and external appearance and that the provision of enlarged and improved living space for occupiers would be supported. It is also undisputed that all the appeal properties are existing unrestricted houses in multiple occupation (HMOs) (use class C4). Whilst there is no record of planning permission being granted for the change of use of the properties from C3 to C4, I have not been advised of any enforcement action being taken within the relevant ten-year period. The Council's records indicate that all the properties have been licensed HMOs since 2015.

¹ APP/Q3060/W/24/3357823, APP/Q3060/W/25/3360411 and APP/Q3060/W/25/3360413

7. At the time of my visits, all the extensions had been constructed, using materials to match the original dwellings, and their scale and design appeared to be generally in accordance with the submitted plans. However, internally, the extensions differed from the plans, with all the new rooms created by the extensions being enclosed and fitted with fire doors, as opposed to being open plan and integrated with the existing living spaces. Each property has also had a ground floor shower room installed. These are not shown on any existing or proposed plans and reduce the original area of shared living space. The extensions at numbers 26, 83 and 110 Heron Drive were all in use as or furnished as bedrooms. The extension at number 40 Heron Drive contained a dining table and chairs, and a fridge freezer.
8. The appeal properties all comprise two-storey, three and four bedroom, semi-detached and terraced houses, with enclosed gardens to the rear and off-road parking to the front. The submitted plans indicate that the former integral garages that I am advised were granted planning permission to be converted to studies in 2003, 2005 and 2011, are now all in use as ground floor bedrooms, with the smallest first floor bedrooms being used as studies in the terraced properties at numbers 26 and 40. I have not been advised that any enforcement action was taken in respect of these changes, which the appellant states occurred more than ten years ago. As the current proposals relate to ground floor extensions only, I did not inspect the first-floor level of any of the properties so cannot be certain whether the first floor accommodation currently provided differs to what is shown on the submitted drawings.
9. Notwithstanding my observations on site, I am required to determine the appeal based upon the submitted plans, as were the Council. The submitted plans and documents do not propose any additional bedrooms, bathrooms or increased occupancy levels.

Main Issues

10. The main issues are the effect of the developments on i) the creation and maintenance of balanced and sustainable communities, and ii) the living conditions of occupiers of nearby dwellings.

Reasons

Community Balance

11. The development plan for the area comprises the Greater Nottingham Aligned Core Strategies (ACS) adopted in 2014, and the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (LAPP) adopted in 2020.
12. Policy 8 of the ACS outlines the general approach to residential development and seeks to maintain, provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities. As the proposals before me to extend the existing HMO properties would not result in any new housing, changes of use, or the loss of any existing C3 dwellings, I do not consider Policy 8 to be directly relevant.
13. Policy HO6(1) of the LAPP states that planning permission will be granted for, amongst other things, the extension or alteration of existing HMOs, including development that facilitates an increase in the number of occupiers or bedspaces, where it does not conflict with Policies HO1 and HO2, or undermine local objectives

to create or maintain sustainable, inclusive and mixed communities. I have not been provided with copies of Policies HO1 and HO2 and no conflict with these has been cited by the LPA. However, the Council's report indicates that Policy HO1 relates to the delivery of new housing in line with Policy 8 of the ACS, and that Policy HO2 aims to protect dwellinghouses within use class C3 that are suitable for family occupation. Again, as the proposals before me are not for new housing, change of use, or the loss of an existing C3 dwelling, I do not consider Policies HO1 or HO2 to be directly relevant.

14. Policy HO6(2) sets out the criteria against which the impact of HMO and student accommodation developments on local objectives to create or maintain sustainable, inclusive and mixed communities should be considered. Some of these criteria are only relevant to new buildings, changes of use and purpose-built student accommodation and as such are not relevant to the cases before me. Other criteria are considered below under living conditions.
15. With regard to Policy HO6(2)(a) I am advised that the existing proportion of HMOs and other student households in the area of each of the appeal properties is between 44.6% and 61.1%. I have not been advised what area each of the figures I have been provided with relates to, or how they have been calculated, but they presumably include the appeal properties, which have all been licensed HMO premises for approximately ten years. I acknowledge that these proportions are all well above the 10%, which is referred to in paragraph 4.59 of the supporting policy text as being considered a significant concentration of HMOs. The supporting text states that where there is already a significant concentration of HMOs and/or student households in an area, planning permission will not usually be granted for further HMOs. However, as no further HMO or student households are sought by any of the appeals, this figure would not be increased.
16. As the appeal properties have all been in HMO use for ten or more years, the addition of a modest extension to each would not materially alter the characteristics of these buildings or their immediate locality.
17. I therefore conclude that extending the existing HMOs in accordance with the submitted plans would not undermine local objectives to create or maintain sustainable, inclusive and mixed communities, and as such would accord with Policy HO6 of the LAPP in respect of this matter.

Living conditions

18. An objection was raised to the extension at 110 Heron Drive, on the basis that it would block light to the dining room of the adjoining dwellinghouse at 2 Shelby Close, which has French doors into the rear garden. The extension is located to the south of the adjoining property, close to the shared boundary. Whilst the extension does result in some overshadowing, this is modest due to the limited depth, height and shallow lean-to roof slope. As such, it does not result in an unacceptable level of harm.
19. Concerns have been raised that the extensions would increase the occupancy of the appeal properties and that this would in turn create additional parking problems in the area as well as resulting in problems associated with noise and disturbance, property upkeep, waste disposal, a high turnover of occupants and an absence of residents outside of term times.

20. Although three of the appeal properties were at least partially occupied at the time of my visits, due to the time of year, I am aware that many students would have finished university for the summer and returned to their family homes. I observed several signs advertising rooms and properties to let within the estate, including at some of the appeal properties.
21. Each of the appeal properties has a driveway that can accommodate at least one car, and some could potentially accommodate more cars. Only one of the driveways had a car parked on it at the time of my visit and no cars were parked immediately outside any of the appeal properties, other than that of the representative of the appellant that met me to allow access. There is no evidence before me to suggest that the on-street parking demand generated by HMO premises in the area is any greater than that generated by other residential properties, and despite my visit being outside of peak student occupancy time, there were still cars parked on the roads and footpaths at various locations throughout the estate.
22. As all of the appeal properties are already in C4 HMO use by students, the extensions, whether used as bedrooms or not, would make no significant difference to the turnover of occupants and reduced occupancy levels outside of term time.
23. Each of the properties is covered by a HMO licence, which controls maximum occupancy levels and specifies management measures for dealing with waste, property upkeep, and anti-social behaviour. I noted that each property had separate domestic wheelie bins for waste and recycling, which are emptied regularly by the Council, along with those belonging to non-HMO/student households in the area. Likewise, I noted that gardens, were tidy and well maintained. The concerns relating to waste and property upkeep could be equally applied to non-HMO/student rental homes, whereby the occupier is not the homeowner and could be perceived to have a less invested interest in such matters. There is also no evidence before me of any anti-social behaviour problems linked to any of the appeal properties, over the ten years they have been licensed for HMO use.
24. I therefore conclude that extending the existing HMOs in accordance with the submitted plans would not increase occupancy levels and thus would not result in harm to the living conditions of occupiers of other nearby residential dwellinghouses with regard to noise and disturbance, property upkeep, waste disposal and parking. Nor does the extension at 110 Heron Drive result in an unacceptable level of overshadowing or loss of light to the adjoining property. Consequently, the extensions would accord with Policy 10 of the ACS and Policies DE1, DE2, HO6, TR1 and IN2 of the LAPP, which collectively seek, amongst other things, to safeguard neighbouring residential amenity and road safety.

Other Matters

25. It is undisputed that the properties have been in unrestricted class C4 use for approximately ten years or more, and that this permits occupancy by 3 to 6 unrelated residents who share basic amenities. Whilst the increased floor area created by the extensions could undoubtedly facilitate the intensification of the existing occupancy levels, by enabling licensing standards to be more easily

complied with, the unrestricted occupancy could be increased without this by making internal alterations that do not require planning permission.

26. With regard to the recent appeal decision at 10 Sandpiper Way, I can see no conflict in that decision. The Inspector determined the appeal in accordance with the submitted plans, as opposed to what he saw on site, as there are no provisions within the Planning Act to do otherwise. Paragraphs 11-14 do not recognise any harm, they set out the aims of the relevant policies and conclude that based upon the submitted plans, there would be no change to the ratio of family dwellings to HMOs in the area and no intensification of use.
27. Whilst the Council's concerns regarding the cumulative effects of extending multiple HMO properties in the same area are noted, I must determine the appeals based upon the plans and evidence before me.

Conditions

28. It is necessary to list the approved drawing numbers, to provide certainty as to precisely what has been granted planning permission, and to enable the Council to identify any discrepancies between what has been granted planning permission and what has been built.
29. The Council has suggested conditions to prevent the extensions from being used as additional bedrooms, which would intensify the existing use of the properties, and to require any existing use of the extensions as bedrooms to cease. However, such conditions would not necessarily prevent the existing living space from being converted or altered to create additional bedrooms. Any breaches of planning control should be investigated by the Council's Enforcement Team and appropriate action taken where this is deemed necessary.
30. The appellant suggested that conditions could be imposed to restrict the maximum occupancy of each dwelling, having regard to any fallback position. However, such a condition would not reflect the development that has been applied for. Furthermore, occupancy levels are controlled by the C4 use class and licensing, and increased occupancy in accordance with the limitations of the existing C4 use would not constitute a material change of use and as such would not be development requiring planning permission.

Conclusion

31. For the reasons given above, I conclude that the appeals should be allowed.

R Bartlett

INSPECTOR