
Appeal Decision

Site visit made on 16 June 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/Q3060/W/25/3360189

90 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 24/01167/PFUL3.
 - The development proposed is single-storey rear extension to existing HMO property.
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Decision

1. The appeal is dismissed.

Background

2. The appeal property comprises an extended two-storey semi-detached house with a large garden to the rear and off-road parking to the front. It is currently occupied as an unrestricted house in multiple occupation (HMO) (use class C4). Whilst there is no record of planning permission being granted for the change of use of the property from C3 to C4 use, I have not been advised of any enforcement action being taken within the relevant ten-year period, and the Council's records indicate that the property has been a licensed HMO since 2015.
3. Currently the property has a bedroom, a shared kitchen, and a shared living room at ground floor level. There are three bedrooms and a single bathroom on the first floor. It is proposed to construct a single-storey extension across the rear of the dwelling and to make internal alterations that would facilitate the provision of three bedrooms, a shower room, and a shared kitchen/dining/living room at ground floor level. The existing three first floor bedrooms and shower room would remain unchanged. The extension would be modest in scale and the external materials and detailing would match those of the original dwelling. No objections are raised to the scale and appearance of the proposed extension.

Main Issues

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

Reasons

Community Balance

5. 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.

6. 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 proposal before me to extend the existing HMO property would not result in a new build or change of use to HMO, or the loss of an existing C3 dwelling, I do not consider Policy 8 to be directly relevant.
7. 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 in the decision notice. 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 proposal before me is not for new build or conversion to HMO and would not result in the loss of an existing C3 dwelling, I do not consider Policies HO1 or HO2 to be directly relevant.
8. 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 case before me. Other criteria are considered below under living conditions.
9. With regard to Policy HO6(2)(a) I am advised that the proportion of HMO and other student households in the output area of the appeal property, as of November 2023, was 29% and that when taken with adjoining output areas an average of 61% of households were provided by HMOs or purpose-built student accommodation. I have not been provided with any plans identifying the output areas that these figures relate to, advised of their size, or how the figures are calculated, but the figures provided presumably include the appeal property, which has been a licensed HMO for approximately ten years. I acknowledge that this proportion is 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.
10. The submitted plans show that the existing HMO property would be increased from 4 single person bedrooms to 6 single person bedrooms, which could be occupied by 6 persons in 6 households, increasing the overall number of HMO households in the area. Whilst I note that there would be no increase in the number of properties in use as HMOs and that the increase in the number of households would only be small, having regard to the cumulative impact of such proposals and the existing overconcentration of such uses, I afford this small increase significant weight.
11. I therefore conclude that extending the existing HMO in accordance with the submitted plans would undermine local objectives to create or maintain sustainable, inclusive and mixed communities, and would fail to accord with Policy HO6 of the LAPP in respect of this matter.

Living conditions

12. Concerns have been raised that the increased occupancy of the appeal property that would result from the extension 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.
13. The appeal property has a driveway that can accommodate one car. Whilst it could potentially be widened to accommodate two cars, this has neither been proposed nor demonstrated that it is achievable on a measured plan. Consequently, the views of the local highway and planning authority, and third parties, on this matter are unknown. Due to the location of the site on the junction of Bedarra Grove, and a bend in Heron Drive, parking on the roads and footpaths directly outside the property would obstruct access and visibility for drivers and pedestrians, which would be detrimental to highway safety, in addition to causing inconvenience to occupiers of adjacent properties.
14. Whilst I acknowledge that large family houses can also generate significant parking demand from occupiers and their visitors, the use of the appeal property as a family home would be likely to have more living space and less bedrooms, particularly on the ground floor. Family members are also generally a mix of ages, are aware of each other's movements, often car share and/or are able to move each other's cars, tandem park and block each other in. They are also more likely to have shared visitors, relatives and friends than unrelated HMO occupiers. The increased comings and goings from cars and people resulting from the increased occupancy of the HMO, would cause an associated increase in noise and disturbance, which would be more apparent within this residential estate location than in a busier location such as on a main road or within a mixed-use area.
15. As the appeal property is already in C4 HMO use by students, the extension and increased occupancy level would make no significant difference to the turnover of occupants and reduced occupancy levels outside of term time.
16. The increased occupancy of the property would require a new HMO licence, which would control the maximum occupancy level and specify management measures for dealing with waste, property upkeep, and anti-social behaviour. I noted that the 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 the front and rear 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. Whilst noting the summary of comments from the Police within the Council's report, which suggest the site is located within an area that is subject to higher than average crime and disorder levels and that complaints are often linked to HMOs, there is no evidence before me of any anti-social behaviour problems linked to the appeal property, over the ten years it has been licensed for HMO use.
17. I therefore conclude, based upon the evidence before me, that the proposal would not increase problems relating to anti-social behaviour, property upkeep, waste disposal, a high turnover of occupants and an absence of residents outside of term times. However, the increased occupancy of the HMO that would result from the

extension, would in my view be likely to increase parking problems in the area and noise from the increased comings and goings of cars and occupiers, which would be harmful to the living conditions of occupiers of other nearby residential dwellings. Consequently, the proposal would fail to accord with Policy 10 of the ACS and Policies DE1, DE2, HO6 and TR1 of the LAPP, which collectively seek, amongst other things, to safeguard neighbouring residential amenity, road safety and to ensure adequate parking.

Other Matters

18. I am aware of several other recent appeals relating to single storey rear extensions to existing HMO properties elsewhere within the same residential housing estate. However, as those proposals sought to increase the communal living space, as opposed to the number of bedrooms, they are not directly comparable to this appeal, which has been determined on its own merits.
19. I acknowledge that the dwelling is already in use class C4 and that the occupancy could be increased within the limitations of this by making some internal alterations. However, the fallback position achievable, having regard to the local licensing standards, would be 5 persons in 4 households/bedrooms, lower than that achieved by the proposal before me. As such I afford this limited weight. The appellant states that the policy threshold is based upon the number of properties as opposed to the number of occupants, and that given the appeal property is already in use as an HMO there would be no increase. However, my understanding is that the policy relates to the number of households, not properties, and that each unrelated occupier of an HMO is a separate household. The exception to this would be for example, relatives or couples living together in the same room with shared finances.
20. Whilst it has been suggested that conditions could be imposed to limit the number of occupants to 5 and to restrict the use of bedroom 1 to additional living space only, I must determine the appeal on the basis it was submitted and on which the Council and other interested parties have had the chance to comment. It would be unreasonable to use a condition to restrict the development to something different to that which was applied for.

Conclusion

21. For the reasons given above, the proposal would conflict with the development plan as a whole and consequently I conclude the appeal should be dismissed.

R Bartlett

INSPECTOR