



Appeal Decision

Site visit made on 1 July 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23RD July 2025

Appeal Ref: APP/M4510/W/25/3363831

16 Fern Avenue, Jesmond, Newcastle upon Tyne NE2 2QT

- 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 Mrs Aruna Khanna against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2025/0098/01/DET.
 - The development is described as: Increase of occupancy of existing HMO from 6 (six) to 8 (eight) occupants. No changes to the external appearance of the property.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on community cohesion and the living conditions of the occupants of neighbouring residential properties, with particular reference to noise and disturbance.

Reasons

3. The appeal site is a terraced property located within an established residential area. I observed the front and rear of Fern Avenue to be a quieter residential neighbourhood of predominantly terraced properties. There are variations in the overall condition, appearance and maintenance of properties on Fern Avenue and within the area.
4. The property is currently in lawful use as a 6 bedroom (6 person) house in multiple occupation (HMO), which is not disputed by the Council. Internal alterations are proposed to the layout, including a change from the existing lounge area and subdivision of an existing bedroom to create the additional 2 bedrooms. A much smaller lounge area would occupy the existing dining room, moving to the rear of the property and that would open out into the rear garden area.
5. Whilst planning permission is sought for the proposed development in any event, the area is also covered by an Article 4 Direction that removes permitted development rights for the conversion of a residential dwelling (Use Class C3) into an HMO (Use Class C4). This suggests that the Council has been proactive in seeking to address potential issues of HMOs within the area.
6. The Council's Maintaining Sustainable Communities Supplementary Planning Document (2017) (the SPD) highlights potential issues associated with HMO uses. This includes that HMOs typically contain groups of young adults living together. These groups typically enjoy active social lives, and these households can often

engage in behaviour that results in increased incidents of noise through social activities, amplified music and comings and goings late at night, which disturbs neighbours. In this instance, these matters are pertinent, as the evidence submitted by the appellant indicates that the future inhabitants would be students.

7. Policy SC1 of the SPD aims to protect the character of areas of the city and protect amenity focusing on developments related to HMOs, and such uses will be permitted subject to criteria. The Council's position is that the proposal only conflicts with criterion D of Policy SC1, which relates to harm to the amenity of neighbouring residents through the introduction of additional activity, access, traffic or parking at the property which would cause an unacceptable increase in noise and disturbance. In relation to criterion D, factors to consider in terms of potential disturbance include the historic use of the property and likely changes in noise generated by the new use, both from inside the building and from outside by comings and goings to and from the building; traffic and parking generation and its impact upon the character of the surrounding area. Whilst there would be a relatively modest increase in the number of occupants, this would result in a more intensive use of the property in an area where there are already concerns over HMO uses.
8. Interested parties, including those living close to the appeal site, have raised objections relating to the current use of the property as a HMO and the proposal to increase the number of occupants, as well as the cumulative effects alongside other HMOs in the area. These include an increase in noise, disturbance, waste, antisocial behaviour and lack of maintenance of the property. Northumbria Police has also raised an objection. Whilst their comments do not indicate that incidents are directly related to the appeal property, they highlight the footprint in which the development is proposed has the highest level of demand in the Jesmond area by over 200 incidents, and even with the small increase to the numbers of residents, this will have an increase on the demand of services in the area.
9. The potential issues that have been highlighted are not necessarily a predictable consequence of HMOs, but rather a matter of individual behaviour and suitable management. There is conflicting evidence regarding complaints around the use and condition of the property. I have limited information before me to substantiate these positions, other than the appellant acknowledging a complaint to the Council regarding waste that was subsequently addressed. The objections of residents living close to the site highlight their experiences and the adverse effects on their living conditions, including in relation to noise and disturbance, which also adversely impacts on community cohesion in the area. Whilst noting the National Planning Policy Framework's objective of creating mixed and balanced communities, the use of the property as a larger HMO and the intensification of the use would be likely to exacerbate these adverse impacts.
10. The Council's Senior Environmental Health Technician raises no objection subject to conditions, including the installation of sound proofing measures. Whilst such a condition could mitigate potential unacceptable impacts associated with noise from within the larger HMO itself, this would not be sufficient to mitigate other aspects of the more intensive use and activity at the site.
11. The appellant refers to management of the property by a local agent, regular inspections, tenancy agreements and a complaints procedure as a means of mitigating potential concerns. However, I have limited information of such

management measures to clearly demonstrate that these are currently adequate. Despite reference to planned refurbishment, my observations of parts of the external condition of the property, including the rear garden area and rear boundary treatments, do not suggest that any inspections have resulted in recent action. Furthermore, despite other legislation relevant to nuisance, I do not have sufficient information before me to demonstrate these management measures would be sufficient to adequately mitigate the proposed intensification in the use of the HMO in terms of increased noise and disturbance.

12. As highlighted by an interested party, whilst the Council does not raise any objection to the size or quality of the accommodation, the proposed layout would see the reduced area of communal facilities serving more occupants concentrated to the rear of the property. This could increase pressure for the use of the external garden area by more occupants, with the potential to further adversely impact on the living conditions of surrounding residents through more intensive use and increased noise and disturbance in this area.
13. For the above reasons, I conclude that the development would be harmful to the living conditions of the occupants of neighbouring residential properties, with particular reference to noise and disturbance. It would conflict with Policy CS14 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and Policy DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030. Amongst other things, these policies seek to create an inclusive built and natural environment, prevent negative impacts on residential amenity, and provide a high quality environment and a good standard of residential amenity for existing and future occupants of land and dwellings. The proposal would also conflict with the SPD.

Other Matters

14. The appellant has drawn my attention to other planning applications at 106 Holly Avenue, Nos 32 and 54 Sunbury Avenue and unidentified properties on Larkspur Avenue. I have limited details of these or the circumstances in which permission has been granted, and it has not been explained how these are relevant to the main issue in this appeal. Therefore, these examples do not alter my conclusion on the main issue.
15. Where the proposal has been found to be acceptable by the Council in other respects, these are neutral matters that do not weigh in favour of the development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

16. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR