



Appeal Decision

Site visit made on 9 September 2025

by **P Burley BA (Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/C1055/W/25/3369385 **42 Breedon Hill Road, Derby DE23 6TG**

- 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 Mr S Michel against the decision of Derby City Council.
 - The application Ref is 24/01397/FUL.
 - The development proposed is the change of use from a six-bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven-bedroom (eight occupant) house in multiple occupation (*Sui Generis*).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a six bedroom (six occupant) house in multiple occupation (Use Class C4) to a seven bedroom (eight occupant) house in multiple occupation (*Sui Generis*) at 42 Breedon Hill Road, Derby, DE23 6TG in accordance with the terms of the application, Ref 24/01397/FUL, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main Issue

2. The main issue is whether the appeal scheme would provide acceptable living conditions for future occupiers.

Reasons

3. The existing study, which the appellant is proposing to convert into a bedroom, is in a rear projection or 'outrigger' from the main dwellinghouse. Because of this its two south-east-facing clear-glazed windows do not face the north-western / side elevation of the neighbouring dwellinghouse (which does not have an outrigger); rather, the view is towards the neighbouring garden area and a large tree.
4. The Council's officer report says that the two windows would have to have obscured glazing to avoid overlooking of the neighbouring property (40 Breedon Hill Road) and that the consequential poor outlook would not represent a high-quality living environment.
5. However, the existing study has two workstations which can be used by all current occupants, and the appellant says that it has previously been used as a bedroom. Furthermore, there is no evidence before me to suggest that it could not be used as a bedroom now or in the future subject to the maximum occupancy of the existing Class C4 house in multiple occupation (HMO) remaining as six occupants.

6. Accordingly, I consider that the use of the study as a bed-sitting room would not give rise to a materially-different impact on the privacy of the existing occupiers of 40 Breedon Hill Road such that the windows should be obscured and therefore I do not find that the appeal scheme would result in unacceptable living conditions for the occupant of the first floor study conversion.
7. The Council also concluded that the appeal scheme would reduce the overall quality of the living environment within the HMO by removing the communal study space. However, it has not referred to any policy or standards which require the provision of communal study space and has acknowledged that the remaining communal space would be just above the Council's requirement for the overall number of proposed occupants.
8. Therefore, the appeal scheme would not conflict with saved policies GD5 and H13 of the adopted City of Derby Local Plan Review (2006) which together seek to achieve acceptable living conditions.

Conditions

9. I have attached the standard time condition for the avoidance of doubt and in the interests of certainty.
10. Whilst it is necessary to limit the occupancy of the HMO to ensure that it continues to have sufficient communal space, the maximum occupancy is set out in the description of development and, therefore, a condition is not needed.
11. The Council has suggested a condition that requires the first floor south-east-facing windows to be glazed with obscured glass. However, for the reasons already discussed, I consider that such a condition is unnecessary.

Conclusion

12. I conclude that the appeal scheme accords with the development plan when taken as a whole, that there are no material considerations which suggest that the appeal scheme should not be approved, and that for the reasons given above the appeal should be allowed.

P Burley

INSPECTOR