
Appeal Decision

Site visit made on 10 September 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/Y2003/W/25/3366091

8 Webster Avenue, Scunthorpe, North Lincolnshire DN15 7DU

- 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 Kamil Staniec against the decision of North Lincolnshire Council.
 - The application Ref is PA/2025/21.
 - The development proposed is Change of Use: Residential Dwelling (C3) to House of Multiple Occupation (C4) including garage conversion.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - provide suitable living conditions for future occupiers;
 - have an acceptable effect on the character of the area and the living conditions of nearby occupiers in terms of noise, disturbance and community cohesion; and
 - make adequate provision for parking and avoid harm to highway safety.

Reasons

Living conditions for future occupiers

3. The appeal site is a two-storey semi-detached dwelling with an attic and attached single-storey garage, located on a corner plot within a predominantly residential area. The immediate surroundings are characterised by similar residential properties. The proposal seeks to use the property as a five-bedroom house in multiple occupation (HMO) for up to 8 occupants, including internal reconfiguration and conversion of the garage to provide communal space.
4. Policy DS1 of the North Lincolnshire Local Plan, Adopted Plan, May 2003 (the LP) requires that development proposals provide a high standard of design and avoid harm to amenity. Policy CS5 of the North Lincolnshire Local Development Framework Core Strategy, adopted June 2011 (the CS) similarly requires all new development to be well designed, appropriate to its context, and to create safe and secure environments that support sustainable living.
5. In assessing whether the proposed development would provide suitable living conditions for future occupiers, the Council has referred to its Houses in Multiple

Occupation (HMO) Amenity Standards Guide (the ASG). The ASG is not a part of the development plan or formal planning guidance, with its primary purpose being to guide the licensing and health and safety assessment of HMOs under separate legislation. Nonetheless, it is a material consideration insofar as it provides practical guidance on the design of HMOs. In the absence of any specific space standards in the development plan or formal planning guidance, the ASG provides a relevant benchmark for assessing the adequacy of internal living conditions for HMOs.

6. It is reasonable to expect that shared houses include suitable provision of communal space to ensure they provide good living conditions and align with the aims of the development plan. This is reflected in the ASG, which sets out clear standards for communal space provision in HMOs.
7. Whilst there appears to be no dispute regarding the adequacy of bedroom sizes, the proposed communal kitchen/dining area falls significantly short of the ASG's recommended minimum for eight occupants. Although the ASG allows for some flexibility and acknowledges that its standards may be revised over time, the extent of the shortfall in this case is substantial and would have an adverse impact on the living conditions of future residents.
8. The appellant's statement of case suggests that reducing occupancy to 7 residents would bring the proposal into compliance with the ASG space standards. It is also claimed that the communal kitchen/dining room measures 21.5 square metres. However, this figure is not supported by the submitted plans, which illustrate the communal kitchen/dining room as measuring 11.26 square metres. While the appellant proposes that minor internal layout adjustments to comply with the standards could be secured through planning conditions or revised plans, it is unclear how this would be achieved. In any case, I must determine the appeal based on the plans before me. Even allowing for a reduction in occupancy to 7 residents, my findings on this issue would not materially alter, as the communal space provision would still fall significantly below the expected standard.
9. The Council has also raised concerns regarding the adequacy of natural light in the proposed loft bedroom, which would rely on rooflights. Whilst this concern is noted, the use of rooflights in loft bedrooms is commonplace and widely accepted in residential design, and the Council's concerns are not supported by compelling evidence or a policy basis. Accordingly, I am not persuaded that the use of rooflights in the loft bedroom would be harmful to occupiers' living conditions. Nonetheless, the absence of harm in respect of this issue is a neutral factor and does not overcome the previously identified harm.
10. For the reasons given above, I conclude that the provision of communal space would be insufficient and would result in cramped and inadequate living conditions for future occupiers. The proposal would therefore conflict with Policy DS1 of the LP and Policy CS5 of the CS, the aims of which have previously been set out.

Character of the area and living conditions of nearby occupiers

11. Policy DS1 of the LP requires that development proposals do not result in an unacceptable loss of amenity to neighbouring land uses and that the design and external appearance of development reflects or enhances the character and setting of the immediate area. Policy CS5 of the CS requires that development creates safe and secure environments, respects its spatial and functional

relationship with surrounding buildings, supports sustainable living, and ensures that new uses complement the character and amenity of the area.

12. At my site visit, I observed the area surrounding the site to be quiet and predominantly residential. The property occupies a corner plot and is bound by neighbouring homes to the south and west. The proposed development, comprising five bedrooms occupied independently and potentially accommodating up to eight individuals, would likely result in a notably intensive residential use. Although I have not been provided with up-to-date evidence regarding the current pattern of occupation in the area, my observations during the site visit suggest that surrounding dwellings are predominantly occupied by single households.
13. In contrast, the proposed HMO would introduce a different pattern of occupation, characterised by increased occupancy, more frequent comings and goings, and greater internal activity. This would likely generate a level of disturbance that is out of keeping with the prevailing residential character of the area. Concerns raised by local residents and Humberside Police further reinforce this view, with reports of existing issues relating to antisocial behaviour and noise in the vicinity. This evidence carries weight insofar as it demonstrates existing community pressures and suggest that the introduction of an HMO in this location would likely exacerbate issues of antisocial behaviour and noise.
14. The appellant notes that the area contains a mix of owner-occupied and rental properties. However, when occupied as single households, such tenures are unlikely to differ significantly in terms of their recognisable impacts. By contrast, the independent nature of HMO occupation typically results in a more transient and fragmented pattern of living, which is likely to be more noticeable and disruptive. Whilst the proposed use would remain residential in nature, this does not negate the material change in the way the property would be used. The cumulative effects of increased activity, turnover, and reduced cohesion among occupants are likely to adversely affect the living conditions of nearby residents.
15. The appellant has submitted a management plan intended to mitigate potential impacts, including the enforcement of quiet hours, provision of contact details for neighbours to report concerns, and assurances of professional property management. It is further argued that modern building standards and fire safety measures would provide acoustic separation, thereby minimising noise transmission. In addition, the appellant has provided a document purporting to be a planning obligation, which seeks, inter alia, to secure the management plan, limit occupancy numbers, restrict car ownership, and provide cycle storage.
16. While the proposed mitigation measures reflect a responsible approach to property management, the submitted planning obligation would not meet the legal tests set out in the National Planning Policy Framework (the Framework) and Planning Practice Guidance (the PPG). Among other shortfalls, the document is not executed as a deed, lacks a witness signature, does not confirm ownership of the land and fails to bind successors in title. As such, it cannot be relied upon to secure planning obligations to mitigate the impacts of the development.
17. For the reasons given above, I conclude that the proposed development would result in harm to the character of the area and the living conditions of nearby occupiers. It would therefore conflict with Policy DS1 of the LP and Policy CS5 of

the CS, the aims of which have previously been set out. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Parking and highway safety

18. Policies T2 and T19 of the LP require development to be served by satisfactory access and to incorporate parking provision sufficient to meet operational needs, while also promoting sustainable transport choices. The Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
19. The site is close to good public transport links, with regular bus services on Doncaster Road and local amenities within walking distance. These factors would likely reduce reliance on private vehicles. The proposal includes two on-site parking spaces and secure cycle storage, and there are existing parking controls in Webster Avenue and neighbouring streets to prevent illegal or inconsiderate parking. Whilst the Council has raised concerns about parking overspill, it has not provided substantive evidence to demonstrate that the development would result in a severe or unacceptable impact on highway safety.
20. Policy T19 allows for flexibility in parking standards where sustainable transport options exist, and explicitly discourages over-provision unless justified by safety or traffic management concerns. The proposal aligns with this policy approach and with the broader objectives of Policy T2, which promote accessibility by multiple transport modes. Based on the site's accessibility and the details of the proposal, I find it acceptable in parking and highway safety terms, and it would not breach the high threshold for harm set out in the Framework.
21. Accordingly, I conclude that the proposed development would not be harmful to highway safety, with specific regard to the provision and availability of car parking on the site and in the area. It would accord with Policies T2 and T19 of the LP, the aims of which have previously been set out. It would also accord with the relevant provisions of the Framework, which have similar aims.

Other Matters

22. The appellant has identified a number of potential benefits arising from the proposed development. These include the provision of professionally managed accommodation in a sustainable location, with the stated aim of supporting key workers such as nurses employed at the nearby hospital. The appellant also highlights the contribution the scheme would make to the local housing mix and the efficient use of existing housing stock.
23. Whilst these benefits are acknowledged, they do not outweigh the harm identified in respect of living conditions for future and neighbouring occupiers, and the impact on the character of the area. Furthermore, no specific or substantiated evidence has been provided to demonstrate a local need for this type of accommodation, particularly in relation to the appellant's stated aim of housing hospital staff. In the absence of such evidence, the weight that can be attributed to such benefits is limited.

Conclusion

24. Although I have identified no harm in respect of parking or highway safety, the proposed development would conflict with the development plan as a whole and there are no other considerations to indicate that a decision should be made other than in accordance with the plan. For these reasons, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR