



Appeal Decision

Site visit made on 23 September 2025

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Appeal Ref: APP/J3015/W/25/3367461

98 Dennis Avenue, Beeston, Nottinghamshire NG9 2RE

- 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 Tarajmeer Kakar against the decision of Broxtowe Borough Council.
- The application reference is 24/00845/FUL.
- The development proposed is change of use of the property a single-family house into a 6 bedroom house in multiple occupation (HMO).

Decision

1. The appeal is dismissed.

Application for costs

2. An application for an award of costs has been made by Mr Tarajmeer Kakar against Broxtowe Borough Council. This is the subject of a separate decision.

Main Issues

3. The main issues are whether the proposed change of use is acceptable in terms of i) the supply of family homes in the area; ii) the effect on the living conditions of neighbouring occupants and iii) parking provision and highway safety in the area.

Reasons

Supply of Family Homes

4. The proposal seeks to convert an existing single dwellinghouse (Class C3) to a 6 bedroom HMO (Class C4). The application was recommended for approval by officers, who found that the proposal would not result in an overconcentration of HMOs, having regard to the test set out in the Council's HMO Supplementary Planning Document (July 2022) (the SPD). The proposal was however refused by the Council's planning committee on the basis of a loss of a family home.
5. Neither of the policies cited by the Council on the decision notice, Policy 10 of the Aligned Core Strategy (September 2014) (the ACS) or Policy 17 of the Broxtowe Part 2 Local Plan (October 2019) (the P2LP), explicitly address the loss of dwellinghouses to other uses. Rather, Policy 8 of the ACS seeks a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities, with an emphasis on providing family housing, including larger family housing. The appropriate mix of housing will be informed by several indicators, including the need to redress the housing mix within areas of concentration of student households and HMOs.

6. In this respect, the HMO SPD sets out a number of assessments relating to potential clustering of HMOs in particular streets and the concentration of HMOs within a 100m radius of the site. The Council states that none of the adjacent properties are HMOs, and thus the proposal would not fail the clustering test, nor would a neighbouring dwelling be 'sandwiched' between two or more HMOs.
7. The radius test sets out that consideration will be given to the impact of the total number of known HMO properties exceeding 20% relative to the total number of properties within a 100m radius of the application property. In this case, the Council's own assessment in its committee report was that the concentration around the appeal site was 5%, far below the 20% threshold. As such, there is no significant accumulation of HMOs in the immediate area and single family homes overwhelmingly predominate. The Council has offered no further evidence to substantiate the position taken by its planning committee that the loss of a family home, in this context, would be harmful.
8. Therefore, I conclude that the loss of a family dwelling would not result in an unacceptable change to the housing mix or overconcentration of HMOs in the area, and no conflict arises with Policy 8 of the ACS.

Effect on Living Conditions

9. The C4 use class permits up to 6 occupants. The existing dwelling is large, with at least 5 bedrooms at the time of my visit. As such, it could accommodate a large family of 6 or even more. Much of the normal domestic activity of occupants within the HMO would be similar to that of a large family and would not cause undue noise or disturbance. Nonetheless, I recognise that HMO occupants would be separate households that would live more independently compared to a single family unit, which could result in increased comings and goings, more visitors and more deliveries to the property compared to a single family dwelling. However, in this instance, the degree to which this would exceed that of a large, family dwelling would not be significant, and in the context of an area with no discernible concentration of HMOs, I am satisfied that the proposal would not lead to demonstrable harm to neighbours' living conditions from noise and disturbance.
10. In other respects, no physical alterations are proposed and therefore no new opportunities would arise for overlooking of neighbouring dwellings, or overshadowing from new buildings.
11. Therefore, I conclude that the proposal would preserve the living conditions of neighbouring occupants, in accordance with the requirements of Policy 10 of the ACS and 17 of the P2LP that development ensures a satisfactory degree of amenity for occupiers of the new development and neighbouring properties.

Parking and Highway Safety

12. The Council's further concern is that safe parking access cannot be provided due to the lack of a dropped kerb and presence of a bus stop outside the site. The front garden of the site has been laid to hardstanding, stated to be capable of accommodating three off-street parking spaces. The HMO SPD states that proposals for HMOs should provide one space per bedroom, which the proposal would fall short of. The SPD adds that spaces which are directly accessed from the highway should have an appropriate dropped kerb crossover.

13. I acknowledge that the presence of the bus stop would provide a public transport option for occupants, and that local facilities in Beeston town centre are reachable on foot and bicycle. The Council also acknowledged the availability of on-street parking. Overall, the evidence before me does not indicate that provision of less than one space per bedroom would lead to unacceptable levels of on-street parking that would cause harm to highway safety.
14. However, whilst I also acknowledge the appellant's point that HMO occupants often have lower levels of car ownership, a six bedroom HMO is still likely to generate some level of parking demand which should be accommodated on-site. In this respect, I cannot overlook the fact that the bus stop is directly in front of the appeal site and not only is there no dropped kerb, but the kerb is in fact raised to enable easier access onto the bus. Access to the parking area would require vehicles to awkwardly mount the raised kerb and cross over the part of the footway where those waiting for the bus would stand. Although the bus serving the site only operates on an hourly basis, the potential for direct conflict between vehicles and pedestrians would still pose an unacceptable risk to their safety and that of other road users.
15. Therefore, I conclude that the proposal would fail to provide safe access to the site and would pose an unacceptable risk to highway and pedestrian safety, contrary to Policy 17 of the P2LP, which requires that development provides sufficient, well-integrated, parking and safe and convenient access.

Conclusion

16. On the main issues, I have found the proposal would be acceptable in terms of the housing mix, character of the area and neighbours' living conditions. However, it would conflict with the development plan due to the failure to provide safe access to the site and prevent harm to highway safety. I afford significant weight to this conflict.
17. The proposal would provide an acceptable quality of accommodation for future occupiers, and would add to the choice of lower cost accommodation in the area. However, in the absence of substantive evidence of need in this respect, and given there would not be a net gain in overall housing numbers, the positive weight attaching to this is limited and does not outweigh the harm identified.
18. For these reasons, I conclude that the proposal does not accord with the development plan, taken as a whole, and there are no material planning considerations which indicate that permission should be forthcoming in spite of this conflict. Therefore, the appeal should be dismissed.

K. Savage

INSPECTOR