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## Appeal Decision

Site visit made on 3 November 2025

**by Ryan Cowley MPlan (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 November 2025**

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**Appeal Ref: APP/M4510/W/25/3370796**

**42 Melville Grove, High Heaton, Newcastle Upon Tyne NE7 7AR**

- 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 Bobby Vij, on behalf of Bobby Vij and DKV Holdings Ltd, against the decision of Newcastle Upon Tyne City Council.
  - The application Ref is 2025/0834/01/DET.
  - The development proposed is change of use from a single, use class C3, dwellinghouse (with approved extension 2021/0488/01/DET substantially completed) to a single large house in multiple occupation (sui generis HMO).
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### Decision

1. The appeal is dismissed.

### Applications for costs

2. An application for costs was made by Mr Bobby Vij, on behalf of Bobby Vij and DKV Holdings Ltd, against Newcastle Upon Tyne City Council. This is the subject of a separate Decision.

### Preliminary Matters

3. The appellant contends that the proposal may not amount to development and, thereby, not require planning permission. In the first instance, within the context of an appeal under section 78 of the Town and Country Planning Act 1990 (the Act) it is not within my remit to formally determine whether the proposed development requires planning permission. To ascertain whether such development would be lawful without planning permission, then an application under section 192 of the Act should be made. No such determination is before me, and so this carries little weight as a fallback position. Ultimately, this appeal relates to an application for planning permission, for a proposal described in the application form as a change of use from a use class C3 dwellinghouse, to a large house in multiple occupation (HMO), and this is the basis on which my decision has been made.

### Main Issues

4. The main issues are:
  - The effect of the proposal on community cohesion and the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance; and
  - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to its internal layout.

## Reasons

### *Community cohesion and living conditions of neighbours*

5. The appeal site comprises a 2-storey semi-detached dwellinghouse and its associated curtilage. A 2-storey side extension<sup>1</sup> has recently been added, appreciably increasing the floorspace of the property, which now benefits from 4 double bedrooms. The property also has a private rear garden and front driveway.
6. The area is characterised by 2-storey semi-detached traditional dwellings of similar style, size and age as the appeal dwelling. Northumbria Police highlighted the family-oriented nature of the surrounding area and, based on the evidence and my own observations, the area is predominantly comprised of single-family homes.
7. Policy SC1 of the Council's Maintaining Sustainable Communities Supplementary Planning Document (SPD) adopted January 2017 provides support for HMOs provided there would not be harm to the amenity of neighbouring residents through the introduction of additional activity which would cause an unacceptable increase in noise and disturbance. While there may have been objections to the adoption of the SPD, it is nevertheless adopted local guidance and is a material consideration.
8. While the appeal property is a large semi-detached house, and it would remain in residential use, the nature of the occupation of the property by 7 unrelated individuals is appreciably different to that of a single-family home. As a C3 dwellinghouse, it would produce linked trips, with family members likely sharing activities, commutes, visitors and deliveries. Conversely, use of the property as a large HMO will increase the number of comings and goings, with each occupant having their own working and personal schedules.
9. The plans before me depict sufficient space for double occupancy in each room, albeit the appellant maintains the development would only house 7 tenants. This could ultimately be controlled by planning condition. Nevertheless, each tenant will attract their own visitors, with the bedroom spaces large enough to encourage overnight stays by guests. Occupants would also have their own deliveries and are more likely to carry out individual activities while at home, in different parts of the property, both internally and externally, and across a wider range of times.
10. These issues are recognised in the SPD, which notes that HMOs usually contain groups of predominantly young people living together. It highlights that occupants often enjoy active social lives and have less connection to their neighbourhoods than more permanent residents. They can 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.
11. The nature of the area as a predominantly family-oriented neighbourhood with few HMOs means it is somewhat sensitive to this type of residential development, compared to denser and more urban areas. The additional activity and resulting noise and disturbance associated with the proposed change to and intensification of the residential use of the property would thus have a detrimental impact on the living conditions of the occupiers of neighbouring properties.
12. Conflict between neighbouring residents and future occupiers of the appeal property due to noise and disturbance would be harmful to community cohesion.

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<sup>1</sup> Council Ref 2021/0488/01/DET

Representations from Northumbria Police highlight that, even with careful management of the property, incidents are likely to occur. Notably, objections were received from 27 properties and a local Councillor. Interested parties have raised similar concerns regarding the loss of family housing and associated increased issues of noise and disturbance.

13. While excessive noise or anti-social behaviour may be controlled by other means, including through environmental health legislation, licensing, and police powers, this only applies to activity within the parameters of the relevant regulatory regimes, and would not prevent the day-to-day noise and disturbance described above that would be associated with the operation of a large HMO in this context.
14. Reference has been made to controls that exist through the universities and neighbourhood schemes, as well as a helpline set up with the Police, the Council and education establishments. However, limited details have been provided in respect of these and how they would operate in the context of the appeal scheme.
15. I recognise that the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 permit development consisting of a change of use of a building from a use falling within Class C3 (dwellinghouses) to a use falling within Class C4 (small HMOs). The appeal scheme would represent an increase of one additional occupant over this hypothetical fallback position. Nevertheless, it is a reasonable assessment that the occupation of the property by 6 unrelated individuals would be at the upper limit of what may be acceptable in this context. The appeal scheme would be a further intensification over and above this, that would exacerbate issues associated with HMO development in this setting. Accordingly, the fallback position would not result in the same or worse harm than the appeal proposal and so does not weigh heavily in its favour.
16. The proposal would thus have a deleterious effect on community cohesion and be harmful to the living conditions of the occupiers of neighbouring properties, with particular regard 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 Adopted March 2015 (CSUCP) and Policy DM23 of the Newcastle upon Tyne Development and Allocations Plan 2015-2030 Adopted June 2020 (DAP). These policies, among other provisions, seek to prevent negative impacts on residential amenity, and ensure that development provides a high-quality environment and a good standard of residential amenity for existing occupants of land and dwellings, including by ensuring that noise, disturbances and other harmful effects from surrounding land uses and/or associated operations will not have an unacceptable adverse impact.

#### *Living conditions for future occupiers*

17. The appeal scheme would provide a shared kitchen, dining area and lounge at ground floor in an open plan L-shaped layout. The proposed lounge would be modestly sized for a large HMO, particularly as it functions partly as a hallway and has several doorways and large openings into it, curtailing its useability. The submitted floor plans show only 2 armchairs in this space, and it is not clear how it could be laid out to accommodate more users. Moreover, as the only access to the kitchen and dining area from the rest of the house, as well as the ground floor shower room, its primary function is likely to be as circulation space. This would make using this room somewhat difficult and uninviting for future occupiers.

18. The lounge additionally does not benefit from a dedicated window, albeit it is open to the kitchen / dining area which is served by south-east facing glazed bi-folding doors and a large 3-pane window. The level of natural light reaching this internal space is thus likely to be sufficient to avoid any significant adverse effect on the living conditions of future occupiers.
19. An amended first floor plan has been submitted with the appeal that would provide a dedicated en-suite bathroom for bedroom 4. Nevertheless, bedroom 1 would remain without one, with access to the ground floor shower room via the shared lounge area. This would limit privacy for occupiers of bedroom 1, as highlighted in the comments from Northumbria Police.
20. Overall, the layout would not provide for a good standard of accommodation. The proposal would thus fail to provide adequate living conditions for future occupiers, with particular regard to its internal layout. It would conflict with Policy CS14 of the CSUCP and Policy DM23 of the DAP. These policies, among other provisions, seek to maintain the wellbeing and health of communities, including by requiring development to prevent negative impacts on residential amenity and providing a good standard of residential amenity for future occupants.

### **Other Matters**

21. The proposal would contribute to the supply of larger HMO accommodation locally, though at the expense of single-family housing. It would reuse an existing property, and is in an existing urban area, with associated access to public transport, services and amenities. However, given the scale and context of the development these benefits are relatively modest.
22. Paragraph 124 of the National Planning Policy Framework (the Framework) seeks to promote an effective use of land in meeting the need for homes. Paragraph 129 requires decisions to support development that makes efficient use of land. However, the Framework requires this to be balanced against safeguarding and improving of the environment, ensuring safe and healthy living conditions, and the desirability of maintaining an area's prevailing character. Given the harm identified above, these paragraphs provide limited support for the proposal in this instance.
23. Paragraph 125 supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing, while paragraph 128 encourages a positive approach to applications for alternative uses, where this would help to meet identified development needs. However, no substantiated evidence of the housing need in this area has been provided.
24. My attention has been drawn to several other decisions for HMO developments in Newcastle granted both by the Council<sup>2</sup> and at appeal. The full details of each case and the circumstances that led to those decisions are not before me. Nevertheless, from the evidence provided, all are in different parts of the city to the appeal site. The cases in Sunbury Avenue and Forsyth Road also related to change of use from an established use class C4 HMO to a larger sui-generis HMO, as did the appeal case in Oakland Road<sup>3</sup>, an area described in the decision as being comprised of a mix of Class C4 HMOs and Class C3 dwellinghouses.

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<sup>2</sup> Council Refs 2024/0623/01/DET, 2023/1835/01/DET and 2024/0459/01/DET

<sup>3</sup> Appeal Ref APP/M4510/W/23/3331889

None of the cases referred to are thus directly comparable to the appeal scheme and they do not lead me to a different conclusion on the main issues.

25. Other than where set out above, I have not identified conflict with any other relevant parts of the development plan or national policy and guidance. However, the absence of harm or development plan conflict with respect to other relevant matters weighs neither for nor against the proposal.

### **Conclusion**

26. The proposed development would conflict with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

*Ryan Cowley*

INSPECTOR