



Appeal Decision

Site visit made on 29 October 2025

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/J4525/W/25/3370421

3 Riversdale Terrace, Sunderland, SR2 7NQ

- 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 Luke Higgins against the decision of Sunderland City Council.
 - The application Ref is 25/00533/FUL.
 - The development proposed is conversion of C3 Dwellinghouse to 7 bed HMO
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would lead to an over-concentration of Houses in Multiple Occupation (HMOs) in the area;
 - whether the proposal would provide an acceptable standard of accommodation for future occupants, and;
 - the effect of the proposal upon the living conditions of existing occupiers of nearby properties with particular reference to fear of crime and community cohesion.

Reasons

Concentration of HMOs

3. The appeal property is a mid-terraced house providing three storeys of accommodation. It includes an enclosed rear yard, with vehicular access onto a rear lane. The area predominantly comprises terraced properties of similar age and scale.
4. Sunderland City Council Core Strategy and Development Plan ('CSDP') Policy H6 highlights that high concentrations of Houses in Multiple Occupation ('HMOs') can harm the character and function of an area, and seeks to ensure that such proposals do not harm local amenity or lead to an over-concentration of HMOs in a particular area.
5. In addition, the Council's Homes in Multiple Occupation Supplementary Planning Document ('the SPD') provides further guidance in relation to proposals for HMOs. This guidance includes resisting proposals where the number of HMOs within a 100-metre radius of the site exceeds 10% of the total number of residential properties. It goes on to state that where this threshold would be breached, permission will only be granted in exceptional circumstances.

6. The Council considers that the 10% concentration is currently exceeded in relation to the area around the appeal site, and with the addition of the proposal, would reach 14.3%. This would exceed the threshold set out within the SPD. The appellant has queried whether all of the properties referred to remain in HMO use, and the Council has not provided any details of the specific methodology used to arrive at this figure. However, neither has any alternative substantive evidence in this regard been put before me and I am aware that the SPD sets out a general methodology for assessing existing HMO concentrations. I do not, therefore, have reason to conclude that the Council's figure is likely to be inaccurate and I afford weight to it.
7. CSDP Policy H6 does not refer to any concentration thresholds, although it does, at criterion (5.) state that "*HMO developments should not result in an over concentration of HMOs within the locality*". The SPD builds on and supports the interpretation of this policy. Although the SPD is not part of the Local Plan, it is an adopted document and has been subject to public consultation. It broadly aligns with advice within the National Planning Policy Framework ('the Framework'), and accordingly I afford it significant weight. The context that it provides to CSDP Policy H6 indicates that the proposal would lead to an over-concentration of such properties in the locality.
8. HMOs form an important part of the housing mix, and an additional unit would represent a contribution towards the overall supply. However, the evidence before me does not demonstrate that any unmet demand for HMOs cannot be met at other locations within Sunderland, where existing concentrations may be lower and where potential effects due to an unbalanced housing mix would be less likely to occur. Consequently, exceptional circumstances to justify further increasing the concentration of HMOs in the locality of the appeal site, beyond the point at which imbalance would occur, do not exist in this case.
9. Moreover, although it has been highlighted that there is no evidence that there is any harm from existing HMOs in the locality, CSDP Policy H6 does not require harm to be demonstrated. Although the supporting text to the policy states that when considering whether there is an over-concentration, that each proposal will be considered on its individual merits, taking account of clustering and the character of the area, it also includes consideration of the number of HMOs in the locality. In this case, having regard to the advice within the SPD, the evidence indicates that the number of HMOs in the area would amount to over-concentration, which itself can be harmful to the character of the area and community cohesion through tenure imbalance alone, even having regard to the individual merits of the proposal.
10. For these reasons, I conclude that the proposed development would lead to an over-concentration of HMOs in the area, which would conflict with Policy H6 of the CSDP and the SPD, the aims of which have previously been set out.

Living conditions (future occupiers)

11. Within its second reason for refusal, the Council states that it considers that the proposal is likely to have an adverse effect upon the living conditions and amenities of its future occupants. However, within its Officer Report, the Council concluded that the proposal would provide adequate living space and an acceptable standard of amenity for future occupants. Its position on this matter is not, therefore, wholly clear.
12. Nevertheless, I am mindful that although not objecting to the proposal, that Northumbria Police highlighted some concerns. These included whether levels of

communal space were adequate, and noting the distance that some future occupants would have to travel in order to access kitchen facilities. These concerns, have, therefore, informed my consideration of this main issue.

13. The proposal would provide an area within the enclosed rear yard as communal external space. I saw that the yard is of a reasonable size, and even if a car was to be parked within the space, space would remain to allow a table and chairs, and a small amount of other domestic outdoor space paraphernalia to be accommodated.
14. Although neither CSDP Policies BH1 or H6, nor the HMO SPD provide any standards for levels of communal outdoor amenity space to be provided at HMO proposals, I have been presented with no compelling reason to find that the level of space to be provided would be unacceptable, or likely to lead to residents seeking to congregate in more public spaces.
15. In terms of accessing kitchen facilities, I have not been directed to any guidance which would indicate that the arrangement proposed would be unacceptable, and I am also mindful of the Council's own conclusions within the Officer's Report in relation to the proposed standard of accommodation.
16. I therefore find that the proposal would provide an acceptable standard of accommodation for future occupiers. In doing so, it would accord with CSDP Policies H6 and BH1, which together, and among other factors, state that development should achieve high quality design and that HMOs provide a good standard of living space and amenity for future occupiers.

Living conditions (existing occupiers)

17. As I have set out above, I consider that the standard of accommodation proposed would be acceptable, and therefore it follows that it is unlikely that future residents would be excessively reliant upon public spaces for outdoor recreation. The individual circumstances of the appeal proposal do not, therefore, lead me to conclude that it would be inherently likely to lead to anti-social behaviour, increase demand on Police resources, or for that matter, lead to an increased fear of crime.
18. Moreover, even if I were to agree that HMOs more generally can lead to an increased demand in Police resources, it has not been shown that such demand could not be accommodated by Northumbria Police in any event.
19. The level of proposed car parking and a resultant potential for indiscriminate parking to occur in the locality are also matters identified as being of concern in this respect. I saw that a single car could be accommodated within the appeal property, and parking could also be accommodated in the rear lane. While the proposal could lead to an increase in on-street parking demand, there is no substantive evidence before me to demonstrate that this could not be safely accommodated, and the Highway Authority has not objected to the proposal. Accordingly, I find that it is unlikely that parking arrangements would lead to an unacceptable increase in crime or fear of crime within the area.
20. While, as I have set out above, an over-concentration of HMOs in a locality can lead to harm to the character of an area and community cohesion through tenure imbalance, it has not been shown that the specific circumstances of the proposal would be likely to lead to unacceptable living conditions for existing occupiers with particular reference to fear of crime.

21. The proposal would therefore accord with CSDP Policies SP7 and HS1, which together, and among other factors, state that new developments do not have unacceptable adverse impacts upon amenity.

Other Matters

22. It has been highlighted that the proposal did not lead to objection from interested parties or statutory consultees. Be this as it may be, lack of objection is a neutral factor, and does not weigh in favour of the proposal.
23. The appeal site lies within proximity of Durham Coast Special Area of Conservation ('SAC') and Northumbria Coast Special Protection Area ('SPA') and RAMSAR site.
24. The Conservation of Species and Habitats Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected sites, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
25. The Council considers that it is possible that the proposal could lead to adverse effects, either alone or in combination with other proposals, on the integrity of the protected sites.
26. If minded to allow the appeal, it would be necessary for me to carry out an appropriate assessment in order to establish whether or not any impacts would occur or would be adequately mitigated.
27. I would have sought additional information in order to undertake the appropriate assessment and be satisfied that the integrity of the protected sites would not be adversely affected. However, as I have found that the proposal would be otherwise unacceptable, this has not been necessary.

Conclusion

28. The proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR