
Appeal Decision

Site visit made on 3 December 2025

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 January 2026

Appeal Ref: APP/A4520/W/25/3372668

3 Dean Terrace, South Shields, South Tyneside NE33 5JY

- 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 Shannan Scott-James of Scott-James Properties Ltd against the decision of South Tyneside Council.
 - The application Ref is 250090.
 - The development proposed is change of use of dwelling house (C3) to 1 Bedsit and 7 en-suite bedroom HMO (Sui-Generis). Dormer window to rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development provided in the application form differs from that in the Council's decision notice. I have taken the description used in the decision notice for the banner heading above as the appellant states that this change was agreed and accepted by them at the time of the application. This reflects the development shown on the proposed plans¹ that were submitted with the application. Both parties have confirmed that these are the plans upon which the Council made its decision, and I have determined the appeal on the same basis.
3. In this regard, the appeal submission includes an amended plan that shows a change at basement level from a bedsit room to a bedroom. The Procedural Guide: Planning appeals – England (2025) is clear that the appeal process should not be used to evolve a scheme and there are no provisions for amendments to be submitted. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the Local Planning Authority and by interested parties at the application stage.
4. Although the amendment to the internal configuration of one room would not amount to a substantial change, accepting the revision could deprive those who were entitled to be consulted of the opportunity to make any representations as part of an appeal, which, given the matters that have been raised, they may have wished to make. For this reason, I will not accept the amended plan.
5. The proposed development includes a dormer window to the rear that is not part of the Council's reason for refusal, nor does the Council identify any conflict with the development plan in relation to this element of the application. I see no reason to

¹ Drawing nos 09B, 10C, 11C, 12C, 13B, 14B and 15D

disagree. Therefore, the focus of this appeal is the proposed change of use of the property, as described above and as referred to in the Council's decision notice.

6. The emerging South Tyneside Local Plan (STLP) was submitted for examination in March 2025 and is at a fairly advanced stage. The weight to be given to the policies is dependent upon the extent to which there are unresolved objections, and the degree of consistency with the National Planning Policy Framework (the Framework). I have referred to the emerging policies as needed in my decision.

Main Issues

7. The main issues are the effect of the proposed development on:
 - the character of the area and the living conditions of neighbouring residents with particular regard to disturbance; and
 - parking provision and highway safety.

Reasons

Character and living conditions

8. The appeal site comprises a five-bedroom terraced dwelling on Dean Terrace situated towards its eastern end and the head of the cul-de-sac, with a mix of dwellings and Tyneside flats fronting the road. The surrounding area is characterised by predominantly residential development, with dwellings and flats to the rear of the terrace on Dean Road and Wharfedale Drive. The properties on Dean Terrace front a landscaped area beyond the road featuring a hedgerow and trees between Dean Terrace and the busier West Way. Along with the absence of through-traffic, the landscape buffer creates a distinctive, intimate and quiet residential setting in comparison to surrounding streets and other development.
9. The supporting text to Policy DM4 of the South Tyneside Local Development Framework Development Management Policies (2011) (the DMP) recognises that intensive housing uses can make a valuable contribution to the housing sector. The policy also seeks to avoid adverse impacts from such development on residential amenity and the character and nature of the locality. The supporting text highlights that proposals for the conversion of buildings to provide larger houses in multiple occupation (HMO) will usually be discouraged in areas of predominantly single household family housing. This is consistent with the aims of the Framework to meet an area's identified housing need, including with an appropriate mix of housing types for the local community, and to create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.
10. There is dispute between the parties that the area comprises mainly single household family housing, although the appellant accepts that the local area is typified by dwelling units used by single households. I have limited information on the internal sizes of the properties on Dean Terrace and in the surrounding area. However, I did not find Dean Terrace to be predominantly characterised by higher density smaller units. With no clear definition or size criteria for 'family housing' there is no compelling evidence that Tyneside flats could not serve as single household family housing, even if these are smaller units. The evidence also indicates that there are no HMOs in the immediate vicinity. Alongside the evidence of interested parties, taken together, these factors point to the area being predominantly single household family housing.

11. The development proposes accommodation over the four floors of the appeal property for eight occupants. Future occupants would live as separate households with individual living, working and social patterns. Consequently, the use of the property as a bedsit and HMO would generate a more intensive use with activity from comings and goings compared to its use as a single dwelling. The terraced form of development in Dean Terrace means the properties are close to one another, separated at the front by railings or low walls. This proximity, together with the quiet environment of this residential cul-de-sac and the tight-knit character of the road frontage means that the increased activity and intensive use would be particularly noticeable. For this reason, I consider that the proposed development would harm the intimate and quiet character of the street and adversely affect the living conditions of neighbouring occupiers with particular regard to disturbance.
12. The mix of dwellings and flats on Dean Terrace and in the surrounding area contribute to a higher density of development overall reflecting the urban location. Notwithstanding the higher density, this does not equate to a prevailing character of notably intensive housing uses, and Dean Terrace retains a quiet and pleasant character. Where there is an absence of similar development, the introduction of a more intensive HMO use would appear as a notable addition in comparison to other households. This would be particularly evident for the appeal site given the distinctive characteristics of Dean Terrace identified above, which also differs from the concentrations of flats on Dean Road and parts of Wharfedale Drive.
13. The appellant suggests that a condition could be imposed to ensure the property would be adequately managed. Both parties also refer to the separate licensing regime that would apply, although I have limited further detail of what that would control in this instance. There is limited information before me to demonstrate that the more intensive use of the property would be adequately managed and controlled in order to mitigate adverse effects arising from the proposed use on the character of the area and the living conditions of neighbouring residents. Although management and licencing would offer some controls, there is no compelling evidence before me to demonstrate that this would be effective in mitigating the harm I have identified.
14. There is no dispute that a valid fallback position exists, which would allow the change of use of the dwelling to an HMO for occupation by no more than six residents (Use Class C4) without the need for planning permission². There may be benefits associated with the active management and licencing regime of the larger proposed HMO against the smaller Class C4 use. However, as I have outlined above, in the absence of detailed evidence, I cannot be certain that mitigation would be appropriate or successful in this instance.
15. In addition, although there may also be internal design benefits from the larger HMO scheme, it has not been put to me that the Class C4 use would result in unacceptable internal living conditions for future occupiers, such that it might justify the current proposal. Overall therefore, while there would be similarities with the fallback, the appeal proposal would result in a more intensive use of the property, and a resulting greater degree of harm. For these reasons, I can give only moderate weight to the fallback position, which is insufficient to outweigh the harm of the proposal.

² Schedule 2, Part 3, Class L of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

16. I therefore find that the proposal would unacceptably harm the character of the area and the living conditions of neighbouring residents with particular regard to disturbance. It would therefore conflict with Policies DM1 and DM4 of the DMP. Amongst other things, these policies aim to ensure development is acceptable in relation to any impact on residential amenity and does not adversely impact on the character and nature of the locality. It would also conflict with the Framework and its aims to ensure that developments are sympathetic to local character and achieve a high standard of amenity for existing users.
17. There is dispute between the parties on the weight to be attributed to Policy 16 of the STLP, which sets out a new policy test and criteria specifically for HMO development. These aim to avoid an over-concentration of HMOs in any one area, HMOs becoming the dominant dwelling type, and a Class C3 property being directly 'sandwiched' between two HMOs on both sides. Whilst the proposal would not conflict with these criteria, the policy also seeks to avoid adverse impact on the functionality and characteristics of a local area and a detrimental impact on the amenities of surrounding properties. As detailed questions regarding the direction and content of the policy are due to be discussed at an upcoming examination, it cannot carry significant weight at this stage. In any event, given the harm that I have identified, the proposal would not accord with Policy 16 and its aims set out above.

Parking and highway safety

18. Dean Terrace is accessed from Dean Road at its western end. Vehicular access to and from the A194 and West Way beyond the junction of Dean Road and Dean Terrace is limited to buses only. Residents park on the highway to the front of the properties on Dean Terrace, which has no restrictions and features two designated disabled parking bays. There is no road frontage to 1 Dean Terrace at the eastern end of the group, which limits the space available for all properties. Dean Terrace does not have a turning area, which limits manoeuvrability for vehicles.
19. At the time of my visit on a weekday afternoon, I did not observe parking stress on Dean Terrace or on other surrounding streets. However, my visit was only for a limited time of day, and it would be reasonable to expect parking levels to fluctuate, with greater potential for parking pressure outside of normal working hours when residents are more likely to be at home. I observed vehicles manoeuvring to exit Dean Terrace in a forward direction, as well as others parked closer to Dean Road reversing along part of its length to leave.
20. The South Tyneside Local Development Framework SPD 6 Parking Standards (2010) (SPD) sets out the parking standards for new development. It requires a maximum of one space per five units plus one space per five units for visitors in urban areas for Use Class C4 HMO development. The proposal does not fall within this class, although it gives an indication of standards applicable to similar development, where planning permission is required. The appellant's evidence acknowledges the requirement for the appeal proposal would equate to two resident spaces and two visitor spaces. This would be an increase over the normal maximum provision of two spaces per dwelling that would be used when assessing new proposals for Use Class C3 dwelling houses and flats.

21. The appellant's Parking Stress Survey Report³ (PSSR) appears to be based on a methodology the appellant states was agreed with the Council. Despite being a requirement of the accompanying Parking Stress Survey Forms, the PSSR is not clear on the times of day at which it was undertaken, which limits the weight I give this to some degree. However, it indicates high stress on Dean Terrace, which is consistent with representations from interested parties. The PSSR assesses parking space available on Woodside Way and Waverdale Way within the survey area. Given its location across the busier West Way and the stepped pedestrian access to Dean Terrace, this would be a far less convenient location for all residents to choose to park. Consequently, I do not consider the availability of space in that area to be a realistic and likely option to meet additional parking demand for residents of Dean Terrace.
22. Due to the existing high parking stress on Dean Terrace, any material increase in parking demand in this location over and above the existing situation, taking into account the lawful use of the appeal site, would be notable. This would increase the potential for additional parking pressure and congestion in this area as well as inconvenience and disturbance to local residents. It would also increase the likelihood of vehicles not finding a parking space, therefore having to reverse back onto Dean Road due to limited manoeuvring space, to the detriment of highway safety. Adding to the existing high parking stress would also adversely impact the living conditions of residents linked to the more intensive use of the property.
23. The appellant relies on mitigation measures to address this harm, suggesting a condition or Unilateral Undertaking could be imposed requiring future occupants of the development and their visitors to park on Wharfedale Drive to the rear, with deliveries also using this route. Whilst there are limitations in the evidence of the PSSR given the lack of detail on the times it was undertaken, it indicates capacity in this area, and the plans show a gate in the rear boundary of the appeal property, thus enabling access.
24. Notwithstanding this, occupants are likely to try and park on Dean Terrace in the first instance for convenience and security, leading to the pressures and manoeuvring challenges identified above. The proposed mitigation would also, in part, rely on visitors and other parties not connected with the occupation of the property adhering to the requirement to access the site to the rear. Given the unrestricted highway parking available on Dean Terrace, I am not satisfied that such a condition would meet the tests of preciseness and enforceability, nor that a Unilateral Undertaking could be effective in this regard.
25. The implementation of a Traffic Regulation Order (TRO) to restrict parking for a section of Dean Terrace would assist in manoeuvring for some vehicles. However, it would also remove parking space in an area of high demand. While the PSSR indicates that there is local capacity to accommodate this loss, for my reasons above, this would result in greater levels of parking stress. The suggested TRO would not, therefore, mitigate the adverse effects of increased parking demand from the proposed development. In any event, there is no detail before me of how this would be secured. The prospects of this being implemented are also uncertain given the need for further consultation through the TRO process and the Council's comments on that. I therefore give this proposed mitigation limited weight in favour of the proposal.

³ Evolution Safety Solutions Ltd, dated 17 January 2025

26. As above, there is a fallback position from the change of use of the dwelling to an HMO within Use Class C4. Whilst the appeal proposal would result in a relatively modest increase in the number of occupants over a Class C4 use, occupation by eight individuals would increase both parking demand and the regularity of trips out and resulting vehicle manoeuvres adversely affecting highway safety. As I have described above, the mitigation measures suggested by the appellant would not satisfactorily control this harm.
27. The appellant also suggests that a ground floor extension to create a six-bedroom dwelling could be carried out under permitted development. However, there is little evidence before me to demonstrate that this is a greater than theoretical possibility, and I therefore afford it only very limited weight. I am also mindful that bringing the vacant property back into use as a dwelling or a change of use to a six person HMO under Use Class C4, without the need for planning permission, would not be subject to the application of the SPD standards. The fallback positions are therefore insufficient to outweigh the harm I have identified.
28. Whilst contributing to sustainable travel options, the provision of cycle parking in line with the SPD as part of the appeal scheme would not outweigh the harm from the lack of convenient parking and the adverse effects arising from this.
29. For the above reasons, and in the absence of any compelling evidence otherwise, I conclude that the proposal would have an unacceptable impact upon parking provision in the area and highway safety. It would therefore conflict with Policies DM1 and DM4 of the DMP, which amongst other things, aim to ensure development is acceptable in relation to highway capacity and safety or includes proposals to mitigate any adverse impacts, and does not adversely impact upon existing traffic and parking conditions in the area. It would also conflict with the Framework and its aims to provide safe and suitable access and avoid unacceptable impacts on highway safety.

Other Matters

30. I have had regard to the appellant's comments on the contribution the development would make to bringing a vacant property back into use, the diversity of household sizes, accommodation and tenure, and other benefits in relation to the economic, social and environmental objectives of the Framework. However, the scale of development means any associated benefits would be limited.
31. Whilst the proposal has been found to be acceptable by the Council in other respects, these are neutral matters that do not weigh in favour of the development. In addition, although the appellant has attempted to overcome concerns raised on a previous planning application⁴, for the reasons set out above, I find that the proposal would still conflict with the development plan.
32. Issues of property values have been raised by a number of interested parties, but this falls outside of my role to determine the appeal in accordance with planning law.
33. The development is within the 6km zone of influence of the Durham Coast Special Area of Conservation and the Northumbria Coast Special Protection Area and Ramsar Site, afforded protection under the Conservation of Habitats and Species

⁴ Planning application ref ST/0385/24/FUL

Regulations 2017 (the Regulations), and identified in the Council's Interim Supplementary Planning Document 23: Mitigation Strategy for European Sites (Recreational Pressure from Residential Development) (March 2018). The Regulations require the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal on such sites, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Planning Balance

34. For the reasons set out above, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
35. There is no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
36. The proposal would bring a vacant property back into use and contribute to the overall housing mix in the area. However, this particular proposal would replace one form of housing with another. Furthermore, from the evidence before me, the contribution of the proposal and any associated benefits would be limited and no clear benefit to the supply of housing has been articulated. The commitment to a TRO would deliver some benefit for manoeuvring vehicles, but would also exacerbate existing parking stress. I therefore give this limited weight.
37. I have concluded that the harm to the character of the area and living conditions of neighbouring residents, as well as the adverse effects on parking provision and highway safety would conflict with policies of the Framework. The adverse impacts of the development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As such, the appeal scheme does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) of the Framework.

Conclusion

38. The proposal conflicts with the development plan as a whole and material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR