



Appeal Decision

Site visit made on 16 December 2025 by E Nutman BA (Hons)

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2026

Appeal Ref: APP/Q0505/W/25/3373568

122 Malvern Road, Cambridge CB1 9LH

- 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 Andrew Powell on behalf of Cairns Didge Property against the decision of Cambridge City Council.
 - The application Ref is 24/04266/FUL.
 - The development proposed is change of use from a 6 person house in multiple occupation (C4 use) to a 9 person house in multiple occupation (sui generis).
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issues are:
 - i) whether suitable living conditions would be provided for occupiers of the proposed development with particular regard to internal living space, private outdoor space and internal/external storage;
 - ii) whether adequate parking provision would be provided to serve the proposed development; and
 - iii) whether the proposed development would be acceptable in terms of flood risk.

Reasons for the Recommendation

Living Conditions

4. Policy 50 of the Cambridge Local Plan (2018) (LP) confirms that new residential units will be permitted where their gross internal floor areas meet or exceed the residential space standards set out in the Government's Technical Housing Standards – nationally described space standard (2015) (or successor document) (the nationally described standards). It also sets out explicit requirements for internal design. These requirements therefore form part of the statutory development plan, and proposals are required to accord with them.

5. The appellant acknowledges that the proposed 9 person house in multiple occupation (HMO) would have a Gross Internal Area (GIA) of 125.9 sqm. This is below the requirement of 132 sqm when the nationally described standards are applied to a two-storey, 6-bedroom, 9-person unit. Moreover, the appellant also concedes that there would only be 2.9 sqm of built-in storage, and this is below the requirement of 4.0 sqm in Policy 50 and the nationally described standards. As the nationally described standards are minimum requirements and the proposal would neither meet or exceed them, even limited shortfalls directly conflict with the internal residential space requirements of the development plan. This has the potential to undermine the quality of accommodation provided to the detriment of living conditions for occupiers of the HMO.
6. Even though a common room and kitchen would provide internal communal space, and each bedroom would be served by an en-suite, this does not justify the calculated overall shortfall in space having regard to the minimum requirements of the nationally described standards and Policy 50.
7. There is no dispute that the estimated area of the rear outdoor private amenity space that would be available for occupiers of the HMO would be circa 30 square metres. Even so, the units are likely to be occupied by unrelated individuals. As such concurrent use of the area available would be unlikely to occur frequently. Even then, domestic outdoor activity is typical within a residential context, and levels of activity would also be restricted by the available garden's modest size. The outdoor space would provide an adequate area for activities such as sitting out and hanging out washing. In light of this, suitable garden space would be available. There is also no substantive evidence to suggest there would be unacceptable levels of noise and disturbance resulting from the size of the garden and number of occupiers.
8. The space running along the side of the dwelling, means that bin storage could be readily accommodated within the site. An appropriately worded condition could require the submission of plans demonstrating a dedicated area for this. During my site visit, I also observed two bike racks already in place within the garden. A condition could ensure their retention. Even though these factors would address external requirements, this does not overcome the internal space and internal storage deficiencies identified.
9. I conclude, the proposal would not provide suitable living conditions with regard to internal living space including but not limited too built-in storage. In that regard, the proposal conflicts with Policies 48 and 50 of the LP which require that buildings are suitable for use as HMOs with internal floor areas which meet or exceed the gross internal floor areas set out in the nationally described space standard.

Parking

10. The LPA contends that, although the application refers to three on-site parking spaces, only two spaces can be accommodated. Even so, Policy 82 of the LP does not rely on minimum numbers of spaces, rather it specifies no more than the numbers in its standards are provided.
11. Furthermore, it is unlikely that three occupants above the existing level would lead to any significant rise in private vehicle ownership. The appeal site is also in a location with good accessibility to bus stops and local shops and services, thereby reducing the need for private vehicle use. From my own observations, there is

capacity in the area to accommodate some parking on the street. Even accounting for evenings and weekends when residents are more likely to be at home, there is no detailed information to suggest any limited increases in on-street parking resulting from the change of use could not be accommodated or that it would lead to any significant inconvenience for other road users or highway safety issues.

12. I conclude, adequate parking would be provided to serve the proposed development. In that regard, it would comply with the requirements in Policies 48, 55, 56, and 82 of the LP for parking to be made, for parking to be no more than the standards set out in Appendix L and for development to be well connected and accessible.

Flood Risk

13. It is not disputed that the appeal site lies partly within Flood Zones 2 and 3 and at high risk of surface water flooding. The appellant contends that converting the existing residential property from Use Class C4 to a sui generis HMO would not alter the site's flood risk vulnerability classification, noting that both uses fall within the "more vulnerable" category.
14. However, paragraph 176 of the National Planning Policy Framework (the Framework) states that while some minor development and changes of use are not required to undergo the sequential or exception tests, they must nevertheless meet the requirements for a site-specific flood risk assessment (FRA). Footnote 63 confirms that an FRA is required for all development within Flood Zones 2 and 3. As the proposal constitutes a change of use within these zones, I see no justification for the absence of an FRA. This is particularly so, given that it has not been demonstrated that the proposed increased occupancy of the site would not increase flood risk or, if it would, that this could be suitably mitigated.
15. Even if flood risk was not cited when the change of use of the appeal building to four flats was proposed under 20/03194/FUL, I have assessed the appeal scheme on its own merits having regard to the current requirements of the development plan and the Framework.
16. Consequently, the proposed development is unacceptable in terms of flood risk. In that regard, it conflicts with Policy 32 of the LP which, requires previously developed sites to take opportunities to reduce the existing flood risk by employing flood resilient and resistant construction including appropriate boundary treatment and providing a safe means of evacuation. For the reasons set out, it would also conflict with the Framework.

Other Matters

17. I acknowledge that Environmental Health and Licensing Officers have confirmed that the HMO licensing standards have been met, indicating that the proposal is suitable for habitation from that particular regulatory standpoint. However, this doesn't justify the conflict with the specific planning requirements of the development plan.

Conclusion and Recommendation

18. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal must be determined in accordance with the development plan unless material considerations indicate otherwise.

19. The proposal would conflict with the internal space and flood risk requirements of the development plan and national policy. The absence of harm in respect of the other matters considered does not overcome this conflict and there are no material considerations that indicate a decision other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

E Nutman

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR