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## Appeal Decision

Site visit made on 22 April 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

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**Appeal Ref: APP/Q3060/W/25/3360126**

**11 Beech Avenue, Nottingham NG7 7LJ**

- 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 Mike Smith of Notts Relocate Ltd against the decision of Nottingham City Council.
  - The application Ref is 24/01091/PFUL3.
  - The development proposed is change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from 6 bed HMO (Use Class C4) to 7 bed HMO (Sui Generis) at 11 Beech Avenue, Nottingham NG7 7LJ in accordance with the terms of the application, Ref 24/01091/PFUL3, subject to the following condition:
  - 1) The development hereby permitted shall be carried out in accordance with the location plan from UK Planning Maps, Unique plan reference: p8f/uk/1108314/1491618; and the floorplans titled '11 Beech Avenue, Nottingham, NG7 7LJ'.

### Preliminary Matters

2. The description of development on the application form included the reasoning behind the application. As this is not development in and of itself and in the interests of clarity and conciseness, in the banner heading above I have used the description of development from the Decision Notice.
3. The change of use has already been carried out. I shall therefore proceed with the appeal on this basis.
4. Although not included in the reasons for refusal on the Decision Notice, the Council's officer report raises an objection to the principle of development, and in particular that the proposal would contribute towards the creation of an unbalanced and unsustainable community. The officer's report also cites a policy conflict in this regard. As this is a matter of dispute between the main parties I shall consider the principle of development as a main issue. The appellant has provided their comments on this matter in their appeal statement and therefore I am satisfied that neither main party would be prejudiced by this approach.

### Main Issues

5. The main issues are:

- whether the proposed development provides an appropriate housing mix in the area;
- the effect of the development on the living conditions of neighbouring residents with respect to noise and disturbance, property upkeep, waste disposal and parking; and
- whether the proposed development provides a suitable living environment for its occupiers, with particular regard to communal space.

## Reasons

### *Housing mix*

6. Policy HO6 of the Nottingham City Land and Planning Policies Development Plan Document Local Plan Part 2 (LAPP) (2020) states that planning permission for extensions or alterations of an existing House in Multiple Occupation (HMO), including development which facilitates an increase in the number of occupiers or bedspaces, will only be granted where there is no conflict with Policies HO1 and HO2 and does not undermine local objectives to create or maintain sustainable, inclusive and mixed communities.
7. The property is already an HMO and is not a dwellinghouse under use class C3. Therefore, the proposal would not affect the supply of family housing and as such it would not conflict with Policies HO1 and HO2.
8. Based on the evidence before me, the percentage of HMOs in the area is below the 10% threshold referred to in the supporting text of Policy HO6, in terms of properties consisting of HMOs or student households within the Output Area within which the site is located and those in surrounding areas. As a result, the change of use has not resulted in a significant concentration of HMOs in the area.
9. Furthermore, I understand that the property has been used as a seven-bedroom HMO for some time, perhaps many years, and is therefore a well-established part of the area. I have no evidence before me to demonstrate that the housing mix of the area has been unbalanced by the change of use.
10. I acknowledge that a sui generis HMO allows for a shared property with seven or more bedrooms. However, the conversion of the first-floor lounge to bedroom would create a bedroom that would not meet the HMO licencing space standards for a property with no lounge or dining area. Whilst HMO licencing is a separate process to planning, this strongly suggests that the conversion of the lounge to a bedroom would not be feasible.
11. For these reasons, I conclude that the change of use has not resulted in an unbalanced and unsustainable community and is unlikely to in the future. The change of use therefore accords with LAPP Policy HO6 and Policy 8 of the Greater Nottingham Aligned Core Strategies Part 1 Local Plan (ACS) (2014), insofar as it requires residential development to provide and contribute to a mix of housing tenures, types and sizes in order to create sustainable, inclusive and mixed communities.

### *Living conditions of neighbouring residents*

12. Although the appeal property is currently in use as an HMO with seven bedrooms, no evidence of any complaints from the environmental health department or from the neighbouring properties have been submitted, including with regards to noise, disturbance, waste disposal and the upkeep of the property. The property is in a busy and lively street and is in close proximity to a parade of shops, and as such local residents do not benefit from a prevailing noise environment where pedestrian and vehicular activity is absent during the day and evenings. Furthermore, during my site visit I did not observe any issues regarding waste disposal or the condition of the property. Consequently, it has not been demonstrated that the provision of a seventh bedroom has had a significant additional effect in these regards.
13. In reaching the above findings, I have taken into account that tenants of an HMO are likely to move in and out of the property more frequently than other occupiers. However, any noise and disruption from the tenants moving in and out, and periods of vacant possession of the property, would be short-term and temporary. I also have no substantive evidence before me to suggest the provision of a seventh bedroom has led to an increase in antisocial behaviour.
14. During the time of my site visit, at around midday on a Tuesday, there were a large number of cars parked on the street. However, it is unlikely that one additional bedroom has resulted in a significantly greater car use or local on-street parking demand. Furthermore, the HMO has been operating with seven bedrooms for some time and I note that no objection has been raised by the highway authority. I am therefore satisfied that the proposal has not had an unacceptable impact on local on-street parking conditions, nor has it unduly impacted upon the living conditions of occupiers of nearby properties in terms of the convenience of obtaining an on-street parking place close to their residence.
15. For these reasons, I conclude that the change of use has not caused harm to the living conditions of neighbouring residents. As discussed earlier, the provision of any additional bedrooms would not be feasible, and therefore the change of use is unlikely to result in any future harm in this regard. The change of use therefore accords with ACS Policy 10, insofar as it seeks to protect the living conditions of nearby residents or occupiers. The proposal also satisfies LAPP Policies HO6, DE1, DE2 and IN2 which require, amongst other things, for new development, including new HMOs, to provide a satisfactory level of amenity for the occupiers of neighbouring properties, including with regards to noise, nuisance and on-street parking, and through the adequate provision of storage and collection of waste and management arrangements.

### *Living environment for occupiers of the HMO*

16. The property has two kitchens and a lounge. The HMO licencing space standards state that where kitchens are used by up to five persons the minimum size shall be 7 square metres, and approximately 2 square metres shall be added for each additional person sharing the kitchen. This equates to a minimum of approximately 11 square metres for seven occupants. The Council states that the two kitchens would be 8.6 square metres and 12.2 square metres, for a total of 20.8 square metres. This would satisfy the requirements of the HMO licencing space

standards, and I understand that no objections have been raised by the HMO licencing team in separate correspondence with the appellant.

17. The compliance with HMO licencing standards does not necessarily mean that a scheme would be acceptable in planning terms. However, although the seventh bedroom replaced a lounge, I am satisfied that the lounge and two kitchens would provide adequate communal space for the occupants of the property.
18. I conclude that the change of use therefore complies with ACS Policy 10 and LAPP Policy DE1, insofar as they require development to provide a satisfactory level of amenity for its occupiers.

### **Conditions**

19. No conditions have been put forward by the Council. Nevertheless, as the change of use has already been carried out, it is unnecessary to impose the standard time limit condition. However, in order to provide certainty and in the interests of proper planning it is necessary to specify the approved plans.

### **Conclusion**

20. The proposal, subject to the recommended condition, would comply with the development plan read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it.
21. For the reasons given above the appeal should be allowed.

*D Ellis*

INSPECTOR