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## Appeal Decision

Site visit made on 2 December 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

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**Appeal Ref: APP/N1350/W/25/3373582**

**45 Greenbank Road, Darlington DL3 6EN**

- 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 Danii Vnoutchkov, Vnoutchkov Properties, against the decision of Darlington Borough Council.
  - The application Ref is 24/01178/CU.
  - The development proposed is change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis).
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from a single dwelling (Use Class C3) to 9 no. person HMO (Sui Generis) at 45 Greenbank Road, Darlington, DL3 6EN in accordance with the terms of the application, Ref 24/01178/CU, subject to the conditions in the attached schedule.

### Preliminary Matters

2. The description of the development in the banner heading and decision section above was taken from the decision notice and the appeal form, rather than the planning application form, as this is a clearer and more accurate description of the development.
3. In December 2024 a Certificate of Lawfulness<sup>1</sup> was issued for the change of use of the property from a single dwelling (Class 3) to a 6 person house of multiple occupation (HMO) (Class 4). The certificate confirmed that the change of use constituted permitted development and a planning application was therefore not required in this instance.
4. A Transport Technical Note dated September 2025, was submitted as part of the appeal. Interested parties have had an opportunity to review and make comments on the evidence submitted. Therefore, I do not consider that the Council or any interested parties would be prejudiced by me accepting this report.

### Main Issues

5. The main issues are:
  - the effect of the development on the living conditions of neighbouring occupants in regard to noise and disturbance, and parking provision.

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<sup>1</sup> 24/01010/PLU

## Reasons

6. There is some dispute between the main parties regarding the current use of 45 Greenbank Road. The Council states that the change of use of the building from a family dwelling to a small HMO has not commenced, while the appellant states that it has. Based on the planning history of the appeal site, and the evidence before me, it is reasonable to suggest that, even if it is not currently occupies as such, the property could be in use as a six bedroom HMO. No external alterations are proposed as part of the appeal. As such my assessment falls to consider the effect of an increase of three occupants on the living conditions of neighbouring occupants in terms of noise and disturbance.
7. It is evident from the information before me that an HMO is not directly comparable to a family dwelling, mainly because they appeal to different client groups such as students and young professionals, requiring short term accommodation. Notwithstanding this, the level of activity of nine adults living independently is unlikely to be significantly greater than that of a large single family household or six individuals living in a small HMO. Further, the Council has provided no substantive evidence to demonstrate that the proposed use would result in disturbance to neighbouring properties.
8. The terraced form of development on Greenbank Road results in properties that are close to one another, separated at the front by low walls. This proximity, together with the higher housing density means that increased levels of noise and disturbance would be expected. Further, I am not certain that the use of rooms on the ground floor as bedrooms would harm the amenity of neighbouring occupants over their existing use as a lounge and dining area.
9. The submitted Transport Technical Note includes a parking survey that concludes that there was a minimum spare capacity of 94 on-street car parking spaces in the evening and 92 during the day. This equates to between 31% and 34% of on street parking is unutilised within a short walking distance of the appeal site. The findings of the Transport Technical note demonstrates that the additional parking requirements of three additional individuals would not result in an unacceptable level of parking stress to the area. I also note that the Council Highways Officer considered that the likely additional parking demand as a result of the proposal would equate to 1 or 2 spaces, and they raised no concerns in relation to parking provision.
10. For the reasons detailed above the development would not have a harmful effect on the living conditions of neighbouring occupants in regard to noise and disturbance and parking provision. I therefore do not find conflict with policies DC4 and H8 of the Darlington Local Plan 2016-2036 (DLP) which seek to protect the living conditions of occupants of neighbouring properties in regard to noise and disturbance and require that new HMOs will not have a significant impact on vehicular access and parking.

## Other Matters

11. I note that several representations have been submitted in regard to the scheme. Concerns regarding the effect of the development on parking provision and noise and disturbance are addressed in the reasons section above. It is acknowledged that there are several HMOs on Greenbank Road. However, the wording of DLP

policies H8 and DC4, do not prohibit high concentrations of HMO's or self-contained flats.

12. Several representations raise concerns that future occupants would participate in antisocial behaviour, criminal activity and littering. However, there is no evidence before me to clearly show that occupants of a large HMOs are more likely to carry out such activities, when compared to occupants of a single family dwelling or small HMO.
13. Concerns have also been raised regarding the alterations that have been carried out at the property previously. For the avoidance of doubt, I have determined the appeal based on the plans and information before me.
14. Only minor internal alterations are proposed as part of the change of use. Any adverse noise and disruption amenity impacts arising from construction activity and construction traffic would be temporary and short lived.
15. Concerns have been raised regarding the impact of the development on property values, water pressure and the sewage system. However, there is no substantive evidence before me to demonstrate that the scheme would have a harmful impact in regard to any of these matters.
16. The provision of cycle parking and waste storage facilities are addressed with appropriate conditions; detailed below. This resolves concerns in regard to these matters.
17. Further, HMOs are subject to separate licensing requirements that ensure appropriate fire and health and safety measures are implemented and buildings are properly maintained; accordingly concerns in this regard will be managed and monitored under separate legislation.
18. I note concerns regarding the loss of family housing in the area. However, the appellant states that they have changed the use of the property from a dwellinghouse to a House of Multiple Occupation for up to 6 persons (Use Class C4). As such, the loss of a family home would more than likely occur either way. This is a significant consideration in favour of the proposal.

### **Conditions**

19. I have considered the suggested conditions against the tests set out in the Planning Practice Guidance and the National Planning Policy Framework. I have attached conditions relating to the time limitation for the commencement of the development and compliance with the approved plans in the interests of clarity and certainty.
20. In order to ensure the proposal would meet the needs of future occupants I have attached conditions relating to the provision of cycle parking and waste storage facilities.
21. I have also included a condition requiring that a Final Nutrient Credit Certificate is submitted to the Council in order to ensure that the nutrient impact of the development is suitably mitigated.

### **Conclusion**

22. For the reasons given above the appeal should be allowed.

*C Livingstone*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing no 251 C.
- 3) Prior to the first occupation of the property hereby approved, a Final Nutrient Credit Certificate, signed by Natural England and the applicant, shall be submitted to the Local Planning Authority.
- 4) The cycle storage area shown on the approved plans shall be in place and be available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.
- 5) The bin stores shown on the approved plans shall be in place and available for use prior to the first occupation of the property and shall remain in situ and available for use for the lifetime of the development.

\*\*\*\*\* END OF CONDITIONS\*\*\*\*\*