

Change of use from Residential Class C3 to Small House in Multiple Occupation HMO Class C4 including ground floor and first floor extensions

**Report Item No
A1**

2 Roberts Close, Kegworth, Derby, DE74 2HR

**Application Reference:
25/01116/FUL**

**Grid Reference (E) 448573
Grid Reference (N) 326341**

**Date Registered:
6 August 2025
Consultation Expiry:
13 September 2025
Determination Date:
1 October 2025
Extension of Time:
None agreed**

**Applicant:
J Frew**

**Case Officer:
Sara Hullott**

**Recommendation:
PERMIT, subject to conditions**

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee:

The application is brought to the Planning Committee at the request of Councillor Sutton on the basis that the proposal would impact highways due to high rates of on-street and pavement parking on narrow streets and the on-site parking layout being neither practical nor accessible, and concern over the concentration of Houses of Multiple Occupancy in the area.

RECOMMENDATION – PERMIT, subject to the following conditions:

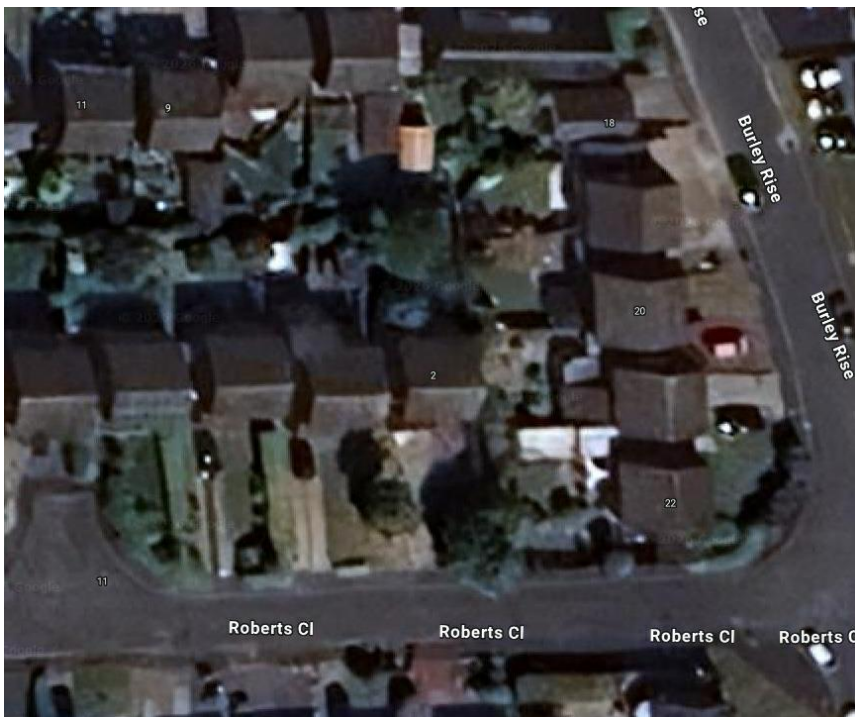
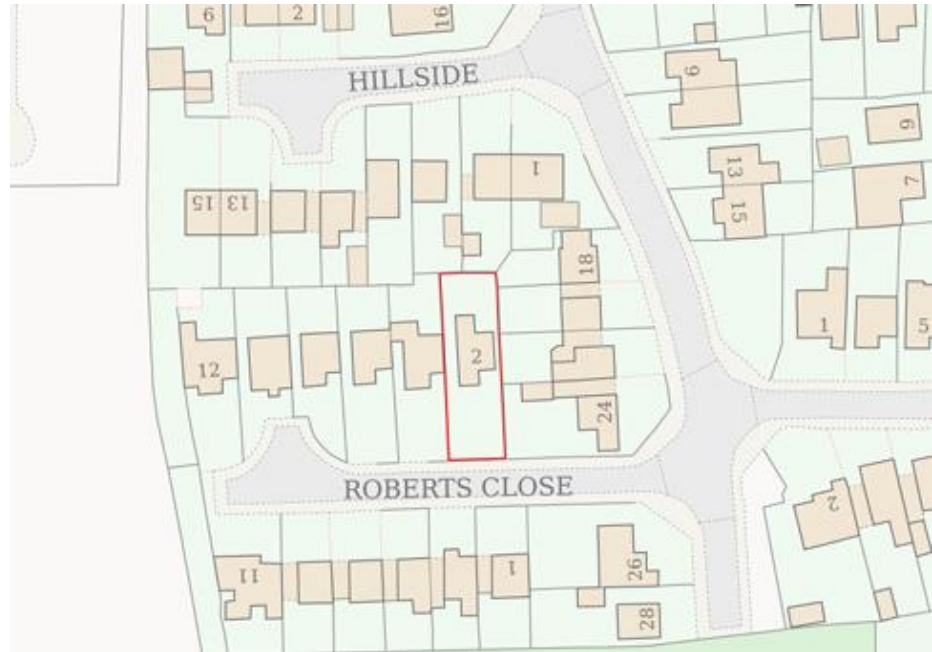
1. Standard time limit (3 years).
2. Approved plans
3. Materials
4. Maximum of 6 residents living on site at any given time.
5. Three parking spaces
6. Cycle parking spaces
7. Surface water drainage

MAIN REPORT

1. Proposals and Background

The application seeks full planning permission for the change of use of an existing dwelling house (C3 use) at 2 Roberts Close, Kegworth to a 6-bedroom House of Multiple Occupation (C4 use), with a maximum of 6 residents. The proposal also includes ground floor and first floor extensions to the front and rear of the property.

Site Location Plan

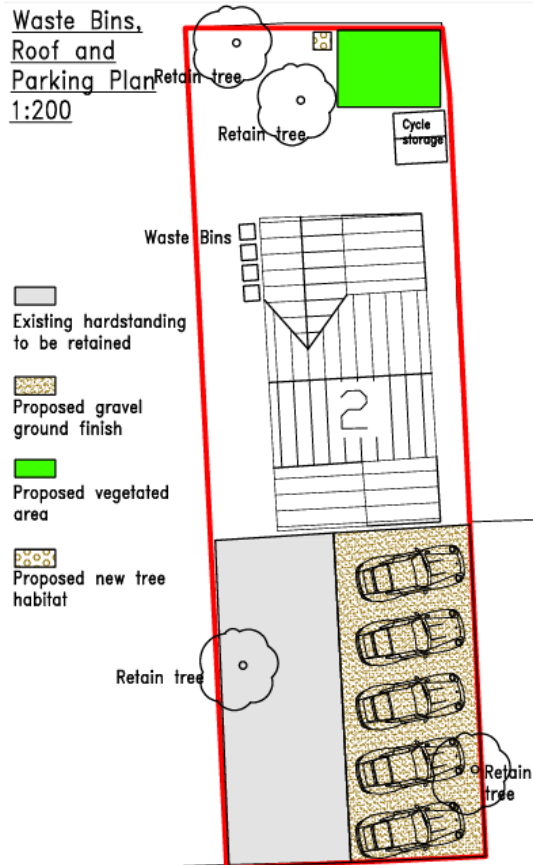


Aerial Image of Site Location

Site Photos



Proposed Site Plan



The application site consists of a two-storey detached dwelling. The existing floor plans show three upstairs bedrooms and one bathroom, with downstairs kitchen and living areas and an existing integral garage. The proposed plans show that there would be three upstairs bedrooms, one within the proposed rear extension, and two bathrooms. Downstairs, the existing kitchen and garage would be converted into two bedrooms, with an additional bedroom located within the proposed front extension and a section of the existing living space. The existing living room, along with the rear single storey extension, would be converted into a communal kitchen/living/dining space.

This site is situated within the settlement boundary of Kegworth. The site is located within the Limits to Development, as defined by the Policy Map to the adopted Local Plan (2021).

The proposed House of Multiple Occupation (HMO) would be occupied by a maximum of six residents.

The County Highways Authority, County Ecology Team, Environmental Protection, Parish Council and neighbours have been consulted and their responses have been considered in this report.

Precise details of the proposal are available to view on the submitted plans on the Council's website.

Relevant Planning History

There is no relevant planning history at the property.

2. Publicity

14 Neighbours have been notified.
Site Notice displayed 20 August 2025.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Kegworth Parish Council – Objects to the application on the following grounds:

We note that the adjacent streets have at least a dozen (and possibly more) existing HMOs.

These are:

3, 11, 12 Roberts Close

2, 13 Hillside

2 Gerrard's Close

4, 12, 15, 18, 20, 22 Burley Rise

The planning application also refers to the significant number of HMOs close by. This increasingly high density of HMOs in the immediate area is creating an imbalance in the mix of housing, which is detrimental to residents and the community. Therefore we believe this application should be rejected.

The experience in Kegworth is that concentrations of HMOs change the character of the community, distort the balance of property availability for diverse demographics and create severe stress on limited parking resources. This has adverse effect and the health and wellbeing of our

community.

Consideration should be given to the application of Policy H8 of the draft local plan which has already been through stages of consultation and review.

Policy H8 also notes the detrimental effect of 'sandwiching' a single-family dwelling between two HMOs, which would be the case should the application be approved.

We note that The National Policy Planning Framework "requires Local Planning Authorities to plan for a mix of housing to meet the different needs of the community including families with children, older people and people with disabilities." Policy H4 of the draft local plan - House Types and Mix - is also applicable.

Councillors note objections lodged by neighbours as direct evidence of the detrimental impact on residents resulting from over intensification of HMOs, particularly in the area in question.

Finally, the parking arrangements proposed for 5 vehicles is unrealistic and unworkable. In reality this would lead to several more cars parked on the street.

We believe this is a significant planning decision not only for the immediate neighbourhood, but the whole of Kegworth, and we hope it will be considered by the Planning Committee.

No objections from:

NWLDC Environmental Protection
County Highway Authority

Objection from:

County Ecology Team

Third Party Representations

Six neighbour objections have been received which can be summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development and Sustainability	Too many HMOs within the area and in Kegworth This will be the fourth HMO to adjoin a resident's house Families are being forced out of the village as houses become HMOs and the availability of suitable homes for families is being reduced Has changed the character of the village and put local infrastructure under strain with no demonstrable benefit to the community Property better suited as a dwelling as the area is traditionally family-oriented and proliferation of HMOs undermines this

	<p>identity and has a detriment impact on the character of the area and impacts on residents' quality of life</p> <p>Student accommodation should be built on all the land at the university</p>
Neighbour Amenity	<p>Potential noise and overlooking from extensions</p> <p>Overbearing and loss of light from extensions</p> <p>Increase in light pollution from potential external lighting</p>
Traffic and Parking	<p>Significant increase in on street parking associated with existing HMOs which can restrict access for residents</p> <p>No capacity for any on-street parking in particular due to there being at least three other HMOs on Roberts Close, and this will reduce access for cars and emergency vehicles</p> <p>Strictly off-street parking needed</p> <p>Unrealistic to fit five cars on the parking area proposed to the front of the property and the Highway Authority agree that there is not sufficient turning space for this number of cars and so cars will park on the road</p> <p>Concerns regarding how off-street parking for the proposal would be policed</p> <p>Is there sufficient space for cycles to get past the bin store</p>
Character and Visual Impact	<p>Overdevelopment of the site due to the size of the extensions proposed would be out of character with the surrounding area</p> <p>No convenient exit from the kitchen so bins may be moved to the front of the house which would be unsightly</p>
Other Matters	<p>Existing trees not shown on the plans – they will need to be felled to provide the parking spaces</p> <p>Errors on the plans</p>

4. Relevant Planning Policy

National Planning Policy Framework (2024)

The following sections of the NPPF are considered relevant to the determination of this application:

Chapter 2. Achieving sustainable development
Chapter 4. Decision-making
Chapter 8. Promoting healthy and safe communities
Chapter 9. Promoting sustainable transport
Chapter 12. Achieving well-designed places
Chapter 15. Conserving and enhancing the natural environment

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S2 - Settlement Hierarchy
D1 - Design of New Development
D2 – Amenity
Ec5 - East Midlands Airport: Safeguarding
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
Cc2 – Water – Flood Risk
Cc3 – Water – Sustainable Drainage Systems

Adopted Leicestershire Minerals and Waste Local Plan (September 2019)

The Leicestershire Minerals and Waste Local Plan forms part of the development plan and the following policies are/policy is relevant to the determination of the application:

Policy M11: Safeguarding of Mineral Resources

Other Policies and Guidance

National Planning Practice Guidance
Leicestershire Highway Design Guidance
North West Leicestershire Good Design Guide SPD - April 2026
National Design Guide (2021)
Kegworth Article 4 Direction 2020: House in Multiple Occupation (HMO)
The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

5. Assessment

Principle of Development

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises of the adopted North West Leicestershire Local Plan (2021) and the Adopted Leicestershire Minerals and Waste Local Plan (September 2019).

The site is located within the Limits to Development, as defined by the adopted Local Plan, in the settlement of Kegworth. Policy S2 defines Kegworth as a 'Local Service Centre' which provides some services and facilities primarily of a local nature meeting day-to-day needs and is supportive of a reasonable amount of new development.

In addition, the National Planning Policy Framework (NPPF) promotes a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or where specific policies indicate development should be restricted.

The proposal seeks to change the existing use of the residential dwelling to a six-bedroom HMO for no more than six residents, including ground floor and first floor extensions at 2 Roberts Close, Kegworth.

Concerns have been raised by residents, the Parish Council and the ward member regarding the number of HMOs located within the locality and within Kegworth, and that this is reducing the number of family homes available, putting a strain on infrastructure and having a detrimental impact on the character of the locality (which was traditionally family-oriented) and the village. Whilst these concerns are recognised, there are currently no policies within the adopted Plan or NPPF or national Planning Practice Guidance which seek to limit the quantity/grouping of HMOs or control the location of HMOs. In the absence of any adopted policy to this effect or any objection from statutory consultees in respect of the highway/amenity or other significant impacts arising from the concentration of HMOs in this location or in the village, it is not considered that a reason for refusal on this ground could be sustained.

Policy H8 in the draft Local Plan does relate to HMOs in Kegworth. Several comments have been made in respect of the policy as part of the draft Local Plan Regulation 18 consultation (January to March 2024). The policy was presented back to Local Plan Committee in September 2025 with minor changes, which were agreed. A report has been published for Local Plan Committee on 4 June 2026 which seeks the Committee's approval to consult on the Proposed Submission Draft Local Plan (Regulation 19) and seek delegated authority that following consultation, the Local Plan be submitted to the secretary of state for examination. Some minor changes are proposed to the policy. Given that comments have been received, and that it has not yet been through Regulation 19 consultation nor to examination, very limited weight can be attributed to draft Policy H8.

In this case, the site is located within the limits to development therefore, the principle of development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan and the NPPF.

Design, Character and Impact upon Street Scene

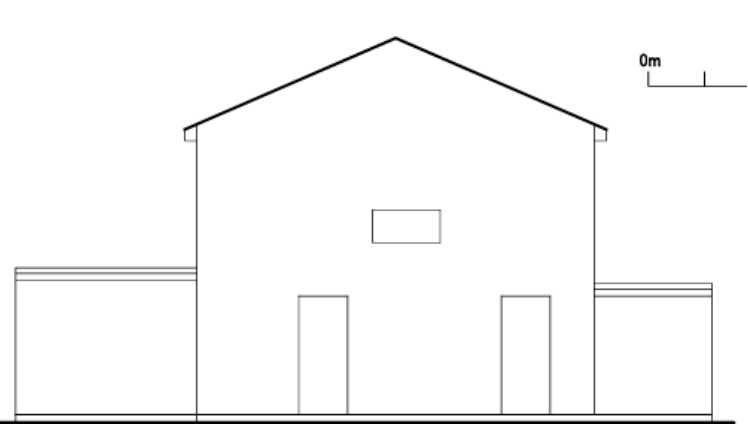
Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

The plans below show the existing and proposed floor plans and elevations of the dwelling, with the details of the proposed extensions and internal layout changes

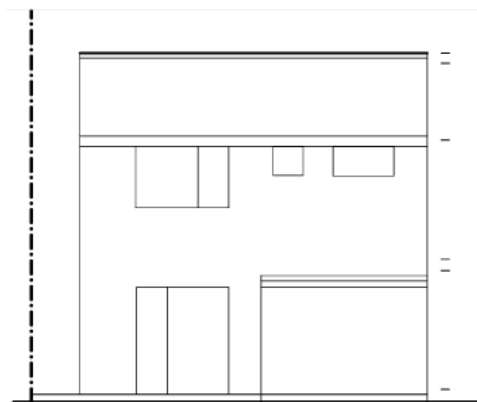
Existing Elevations



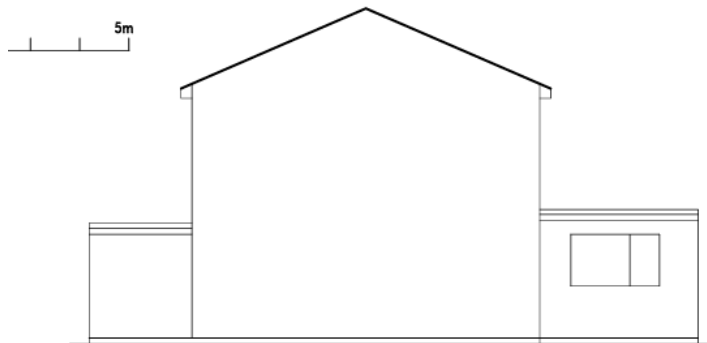
Existing Front Elevation 1:100



Existing Left Side Elevation 1:100



Existing Rear Elevation 1:100

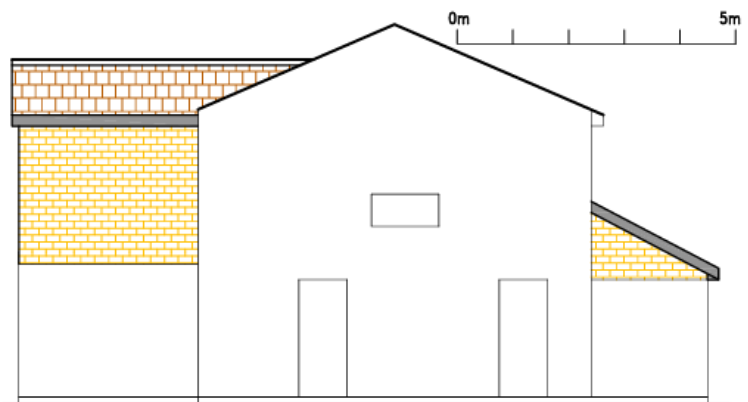


Existing Right Side Elevation 1:100

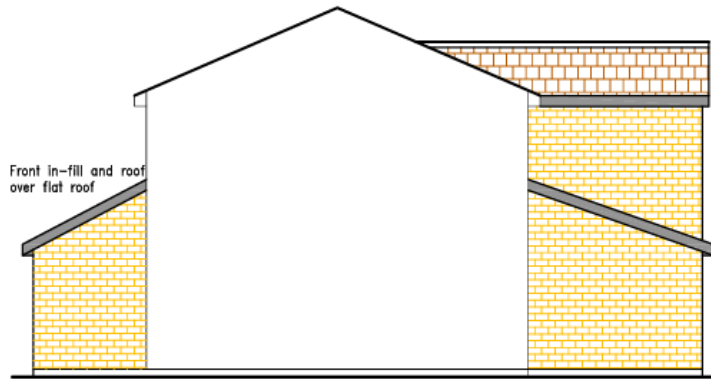
Proposed Elevations



Proposed Front Elevation 1:100



Proposed Left Side Elevation 1:100

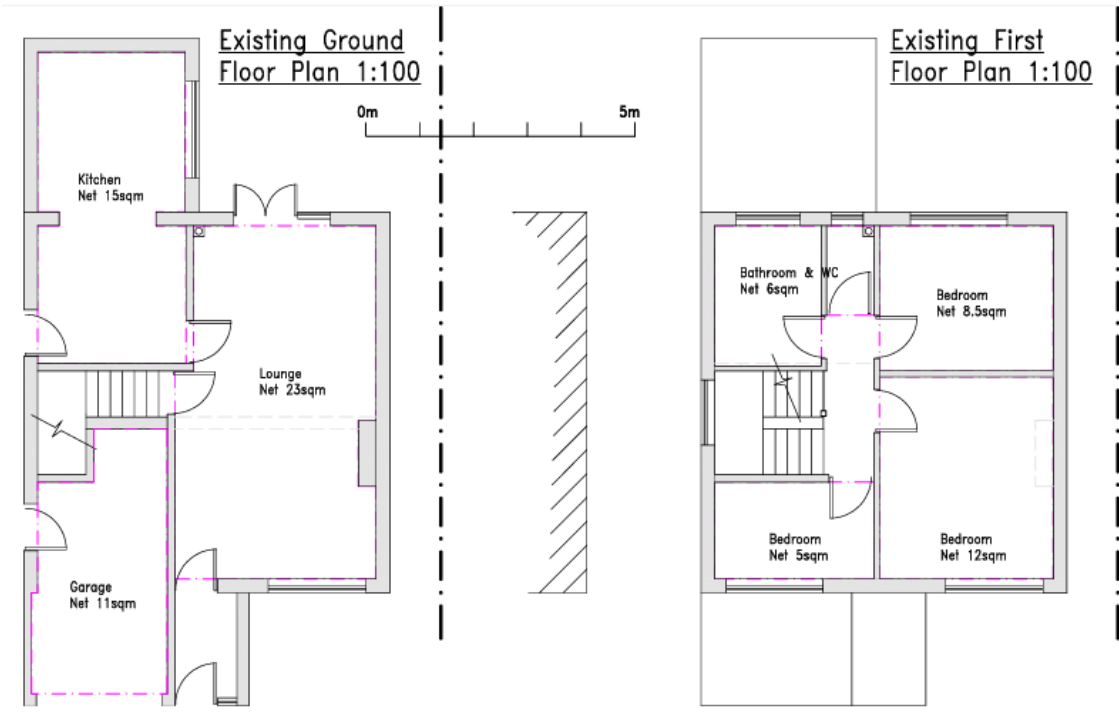


Proposed Right Side Elevation 1:100

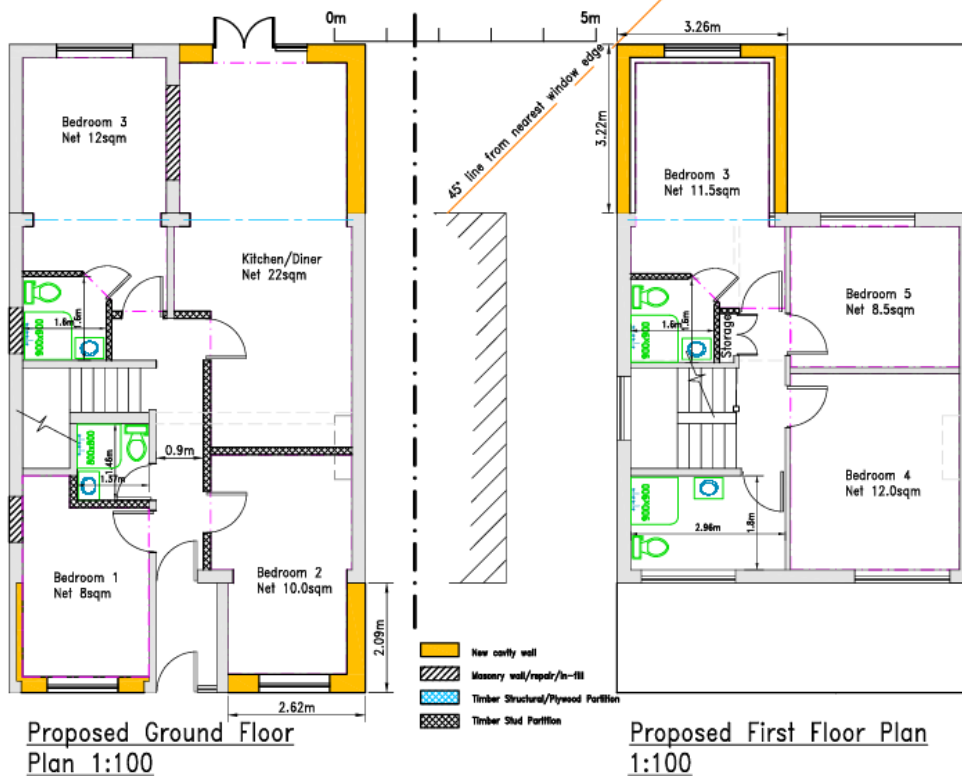


Proposed Rear Elevation 1:100

Existing Floor Plans



Proposed Floor Plans



The front extension to the dwelling is considered to be of an appropriate scale and design, is sympathetic to the character of the host dwelling and the wider setting and streetscene and would not result in harm to the visual amenity of the area.

The two-storey rear element would project approximately 3.2 metres above the existing single storey element, with its ridge line set lower than the ridge of the main dwelling. The single storey extension would project 3.2 metres from the existing rear wall, infilling the existing 'L-shape' footprint. The proposed rear extensions, whilst of a larger scale than the front extension, are considered to be in keeping with the scale of the host dwelling.

The proposed extensions would be located to the rear of the property and would have minimal visibility from the public realm. As such, the impact on the character and appearance of the street scene is considered to be very limited.

The proposed extensions would be finished in brick and tile, with UPVC windows and doors to match the existing dwellinghouse and the materials used in the wider streetscene.

Overall, the design and scale of the proposed extensions are considered acceptable, with the materials and form responding appropriately to both the host dwelling and the wider context.

The whole of the front of the site would be hardsurfaced. Under the Good Design Guide SPD, an equal amount of landscaping is required to balance any surfaced parking area. However in this case it is considered that it would be difficult to require this provision, as under permitted

development rights the whole of the front area could be hardsurfaced, and there are two other properties on the street with hardsurfacing across the whole of their front gardens.

There appears to be sufficient space at the side of the property for waste and recycling bins to be stored and cycles to be taken to the rear of the property. However the bins could be stored elsewhere on the site including at the front (which could also occur if the property remained as a dwelling).

It is considered that the proposal would accord with Policy D1 of the adopted Local Plan, the Council's Good Design Guide SPD and advice contained in the NPPF.

Residential Amenities

Policy D2 of the Local Plan (2021) requires that proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it.

This application seeks permission for a change of use from a dwelling to a small HMO for a maximum of six residents, including single storey and two storey extensions to the dwelling.

The subject property is detached with a rear garden and driveway to the front of the property. The existing floor plans show three upstairs bedrooms and one bathroom, with downstairs kitchen and living areas and an existing integral garage. The proposed plans show that there would be three upstairs bedrooms, one within the proposed rear extension, and two bathrooms. Downstairs, the existing kitchen and garage would be converted into two bedrooms, with an additional bedroom located within the proposed front extension and a section of the existing living space. The existing living room, along with the rear single storey extension, would be converted into a communal kitchen/living/dining space.

Concerns raised by neighbouring residents in respect of noise, overlooking, overbearing and loss of privacy impacts and light pollution have been duly considered.

Consideration has to be given as to whether any additional noise and disturbance and light pollution generated by changing the use from a family home to a small HMO, would give rise to a significant adverse impact upon neighbouring residential amenities to warrant a refusal of permission. The Council's Environmental Protection team has been consulted on the proposal and has raised no objections. It is confirmed that the proposed use would not result in unacceptable levels of noise, light, odour, or other forms of disturbance. Given the size of the property, it could accommodate a family with a similar or greater number of people than proposed under this application, it is not considered that the change of use would give rise to any significant noise and disturbance or comings and goings (and associated waste generation/pollution) or light pollution that would be demonstrably significantly over and above the occupation of the dwelling by a single large family.

In terms of potential overbearing and overshadowing impacts, the two-storey rear extension would project approximately 3.2 metres beyond the rear elevation of No. 2 Roberts Close and would be located above an existing single storey element. It would project approximately 3.2 metres beyond the rear of No. 4 Roberts Close, around 1.8 metres from the boundary with No. 4 Roberts Close.

There are no windows located within the side elevation of No. 4 Roberts Close and no windows in the side elevation of the proposed first floor extension facing No. 4.

While the proposed first floor element of the proposed extension would introduce a substantial built form near the boundary, it would not breach the 45-degree rule as set out in the Council's Good Design Guide SPD. As such, it is considered that the proposal would not result in significant overshadowing or overbearing impacts upon No. 4 Roberts Close.

With regard to neighbouring properties to the east on Burley Rise, the application site is at a higher land level. The elements of the proposal closest to these dwellings are of single-storey scale and are sufficiently distanced away being 9.5 metres from the nearest rear habitable room windows with 1.8 metre high close boarded fencing along the boundary. No windows are proposed in the side elevation of the first floor extension facing towards these dwellings. If any upper-floor windows were installed in the side elevations of the first floor extension in the future, any parts up to 1.7 metres above the floor level of the room would need to be obscure glazed and non-opening. It is therefore considered that the development would not result in any significant overlooking, overshadowing, or overbearing impacts on these properties.

Overall, for the reasons set out above and subject to an appropriately worded condition to ensure the use of the site would operate within the parameters of the submitted application by restricting the number of residents to a maximum of six people, it is not considered that the proposal would result in significant impacts upon surrounding residential amenities and would accord with Policy D2 of the adopted Local Plan and the Council's Good Design Guide SPD.

Highway Considerations

Kegworth Parish Council, neighbours and the ward member have raised concerns with regard to access and parking at the property in particular in relation to significant levels of existing on-street parking which will increase as a result of the proposal as there is not enough space to fit five cars on the front of the site and impact on access for cars and emergency services. These concerns will be considered in the section below.

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

Access to the site is from Roberts Close which is an adopted unclassified road, subject to a 30mph speed limit. No alterations are proposed to the existing site access arrangements which presently serve the existing dwelling.

The County Highway Authority (CHA) has been consulted on this application and states that no Personal Injury Collisions (PICs) have been recorded in close proximity to the site within the most recent five-year period, and the proposed development would not exacerbate any known highway safety concerns.

The existing parking provision on the site consists of three parking spaces which would be retained. The drawings state that there will be an additional two parking spaces on site, giving a total of five, with six cycle spaces being provided. The CHA advises the cycle parking accords with the Leicestershire Highway Design Guide (LHDG)

Based on Table 28 of the LHDG for a HMO containing up to six residents, one parking space should be provided per resident with a minimum of three parking spaces per dwelling with up to six desired.

The CHA has stated that only three of the parking spaces would comply with the Leicestershire Highway Design Guide (LHDG) standards and it does not believe there is sufficient turning space. However, given that three parking spaces are required, sufficient parking can be provided at the site to accord with the LHDG and so the CHA has raised no objections to the parking layout, subject to a condition securing the three parking spaces.

The CHA advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the CHA advises that the development therefore does not conflict with paragraph 116 of the NPPF, subject to its suggested conditions relating to car and cycle parking.

Taking the above into account the proposal is not considered to result in an unacceptable impact on highway safety or the wider highway network that would justify a reason for refusal under Policies IF4 and IF7 of the North West Leicestershire Local Plan, the relevant paragraphs of the NPPF as well as the Leicestershire Highway Design Guide.

Biodiversity Net Gain

Policy En1 of the adopted Local Plan states that proposals for development would be supported which conserve, restore or enhance the biodiversity in the District. This is supported by Paragraph 186 of the NPPF which states that planning decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. On this basis the proposed development would be required to demonstrate 10% BNG. Notwithstanding this, Paragraphs 187(d) and 193(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity.

Whilst the submitted Biodiversity Metric states that there would be an increase in habitat units of 13.67%, LCC Ecology have noted that the Metric has not been filled in correctly. Notwithstanding this, the LPA have taken into account the fact that the extensions and all external works including the parking spaces could be submitted within a 'Householder' application or undertaken under permitted development rights either prior to or after a separate application for the change of use to a HMO. Householder applications are not subject to the 10% BNG requirement. LCC Ecology also advise that they consider the extensions to be exempt from BNG due to being householder development. As such, in this case, it is considered unreasonable to request further additional information with regards to the BNG increase or to require 10% BNG in this case.

LCC Ecology has requested that a preliminary roost assessment is carried out due to the fact that the property has been derelict for a year however, it is not considered appropriate due to the fact that the building is currently a residential property that could have internal and external works to the roof done without planning permission.

Subject to conditions, it is not considered that the proposal would result in any adverse impacts to protected species and or biodiversity in accordance with Policy En1 of the Local Plan, and relevant sections of the NPPF and the statutory provisions of the Environment Act.

Flood Risk

The site is situated within Flood Zone 1, an area at lowest risk from fluvial flooding, and the site is not in an area at risk of surface water flooding.

Due to the proposed extensions, a surface water drainage condition has been recommended as there would be increased surface water run-off, over and above that of the existing arrangement.

It is therefore considered that the proposal complies with Policy Cc2 and Cc3 of the Local Plan, the NPPF and the PPG.

Airport Safeguarding

The site is within the safeguarded area of East Midlands Airport. The threshold for consultations with the airport is for development above 90m in height and as the proposal is for a change of use only with no proposed external alterations, the proposal would not raise any safeguarding issues and would be compliant with Policy Ec5 of the adopted Local Plan.

Other Matters

Whilst existing trees and vegetation on the front of the site are not shown on the plans, and most would need to be removed to provide the parking and turning space, two trees are shown to be retained. Whilst it is preferable that existing soft landscaping is retained, it may not be realistic for these trees to be retained alongside the parking and turning areas. Their lack of protection could lead to them being removed at any time, and they are not considered to be worthy of protection by a Tree Preservation Order.

Whilst two of the bedrooms are labelled as bedroom 5 on the proposed floor plans, it is clear that six bedrooms are proposed. The two existing side doors would be blocked up as shown on the proposed floor plans.

Conclusion

The adopted Local Plan is silent on the matter of HMOs and in these circumstances, paragraph 11 of the NPPF applies which states that 'plans and decisions should apply a presumption in favour of sustainable development'.

For decision taking, it sets out in criterion (d) that 'where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard

to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”}

The application site falls within none of the areas identified within paragraph 11(d)i of the NPPF and therefore the test to be applied in this case is that set out in paragraph 11(d)ii above.

The application site is situated within the defined Limits to Development, where the principle of development is supported, if it complies with relevant policies of the Local Plan. Policy S2 of the Local Plan supports sustainable development within Limits to Development, and the proposed development is considered to align with the overall spatial strategy for the district.

It is considered that reasons for refusal relating to impacts from a concentration of HMOs in this location or in the village and highway safety could not be justified.

The proposal is not considered to result in significantly detrimental impacts on the character of the area, residential amenity, ecology and biodiversity or flood risk. There are no other relevant material planning considerations that indicate planning permission should not be granted.

In view of the above and on balance, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan and the NPPF (2024).

Subject to the imposition of conditions the proposed development represents sustainable development, and approval is therefore recommended.