
Appeal Decision

Site visit made on 1 November 2016

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22ND November 2016

Appeal Ref: APP/N4720/W/16/3156211

4 Grosvenor Road, Headingley, Leeds, LS6 2DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr G Bell against the decision of Leeds City Council.
 - The application Ref 15/07538/FU, dated 27 September 2015, was refused by notice dated 11 February 2016.
 - The development proposed is a change of use of House in Multiple Occupation (Sui Generis) to form 8 bed HMO (Sui Generis) and three bed HMO (C4), retrospective application for replacement leaded light over stair and over main entrance.
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Decision

1. The appeal is dismissed insofar as it relates to a retrospective application for replacement leaded light over stair and over main entrance. The appeal is allowed insofar as it relates to a change of use of House in Multiple Occupation (Sui Generis) to form 8 bed HMO (Sui Generis) and three bed HMO (C4) and planning permission is granted for a change of use of House in Multiple Occupation (Sui Generis) to form 8 bed HMO (Sui Generis) and three bed HMO (C4) at 4 Grosvenor Road, Headingley, Leeds, LS6 2DZ in accordance with the terms of the application, Ref 15/07538/FU, dated 27 September 2015, and the plans submitted with it, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2148-001; 2148-002; 1878-051.

Procedural Matter

2. The description of development given above is the one provided in the appeal form and the Council's decision notice. The description given in the application form has not been used as it does not reflect subsequent amendments to the scheme that were made at the planning application stage. These amendments reduced the number of bedrooms in one of the proposed HMOs from 5 to 3.
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Main Issues

3. The main issues are whether the development would:
 - (a) Lead to an unacceptable intensification of the HMO use, resulting in harm to the living conditions of nearby residents with regard to noise and disturbance, and;
 - (b) Preserve or enhance the character or appearance of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area.

Reasons

Intensification of the HMO use

4. The appeal property is located at the end of a residential terrace, between the junctions of Grosvenor Road with Cross Cliff Road and Regent Park Terrace. The property has been in use as a HMO for a number of years.
5. In 2012 the Council introduced an Article 4 Direction in the area to enable greater control over the conversion of dwellings to HMOs. In addition, Policy H6 of the Leeds Core Strategy (2014) seeks to control the growth of HMOs and other forms of student accommodation in order to deliver balanced communities. This Policy also seeks to minimise detrimental impacts associated with high concentrations of HMOs, including on the living conditions of nearby occupiers.
6. The lawful use of the appeal property is as a 9 bedroom HMO, as confirmed by a previous lawful use certificate. Whilst the proposal would involve the subdivision of the property, the number of bedrooms would only rise by 2 to 11 in total. This would be a small increase that would be unlikely to cause a material rise in noise and disturbance over and above the lawful use of the property. In addition, the appellant states that the property has contained 12 bedrooms since at least 2007, and has been licenced by the Council on this basis. Whilst this increase occurred without planning permission, there is no evidence before me that it has led to unacceptable noise and disturbance to the surrounding area.
7. Whilst the appeal property is in an area with a high proportion of HMOs, the lawful use is already for a HMO. The proposal would not involve the loss of a family dwelling and its effect on the local housing and population balance would therefore be limited.
8. The Leeds HMO Lobby has drawn my attention to the emerging Headingley Neighbourhood Plan. This contains a draft policy (Policy HEH6) that would control the development of HMOs in the area. However, at this stage, the Neighbourhood Plan is an emerging document only. It is yet to be submitted to the local planning authority and could therefore be subject to change. In these circumstances, I can attach only limited weight to the emerging Neighbourhood Plan at this stage.
9. For the above reasons, I conclude that the development would not lead to an unacceptable intensification of the HMO use, resulting in harm to the living conditions of nearby residents with regard to noise and disturbance. It would therefore be in accordance with Policy H6 of the Leeds Core Strategy, Saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006), and guidance contained within the 'Neighbourhoods for Living' Supplementary

Planning Guidance (SPG). It would also be in accordance with the National Planning Policy Framework which seeks to deliver balanced communities.

Conservation Area

10. The appeal property is located in the centre of the Headingley Hill, Hyde Park and Woodhouse Moor Conservation Area. This area originally developed as an exclusive suburb that initially comprised stone villas in large plots, along Headingley Lane and Woodhouse Cliff. Later development, from the middle of the nineteenth century onwards, was generally denser and of predominantly brick terraces.
11. The appeal property is located in the Hyde Park character area of the conservation area. It is identified in the conservation area appraisal as a positive building that makes an essential contribution to the character of the area. The conservation area appraisal further states that the brick terraces of Regent Park Terrace have a strong character and attractive details, and that the end terrace properties on Grosvenor Road provide particularly attractive 'book-ends' to the street. This description is clearly intended to apply to the appeal property.
12. Whilst the former stained glass window and fanlight are no longer in situ, I have been provided with photographs of them by the Council and the appellant. The windows were clearly an attractive and decorative period feature that would have contributed positively to both the host property and the wider conservation area. The loss of these features and their replacement with bland modern uPVC windows has clearly harmed the character and appearance of the building and reduced its contribution to the wider area. This harm is of particular relevance given the appeal property is identified in the conservation area appraisal as a building that contributes positively to the character of the area.
13. Whilst the appellant states that the replacement gable window provides improved safety for occupants of the HMO, it is not clear to me that this benefit could only have been achieved by removing the stained glass window. In addition, the Building Regulations relate to new build properties and do not provide a justification for removing period features from historic properties. I also do not regard a stained glass fanlight as such an obvious security hazard that it would justify the installation of a uPVC window in its place.
14. Whilst other properties along Regent Park Terrace may also have uPVC windows installed, the details of those cases are not before me. In particular it is not clear whether these windows benefitted from planning permission, or whether they replaced comparably ornate stained glass windows.
15. I conclude that the appeal proposal would fail to preserve or enhance the character and appearance of the conservation area. Whilst this harm is less than substantial, there are no public benefits that would outweigh this harm.
16. The development is therefore contrary to Policies P10 and P11 of the Leeds Core Strategy, Saved policies GP5, BD6, and N19 of the Leeds Unitary Development Plan, and guidance contained in the Neighbourhoods for Living SPG. It would also be at odds with guidance within the National Planning Policy Framework.

Other Matters

17. Although not a reason for refusal, the officer report expresses concern about the living conditions of future occupiers of the development with regard to access to adequate amenity space, and loss of communal facilities. In terms of amenity space, the appeal property is served by only a small outdoor area, which is typical of the Victorian terraces in the street. However, as the property would be occupied by students rather than a family with children, this matter is less critical and would not justify withholding permission in this case. With regard to communal facilities, the proposed floor plans appear to show a comparable amount of communal space to the previous layout, albeit in a different configuration. Overall, I am satisfied that the proposed communal areas would be adequate to meet the needs of future occupiers of the development.
18. The proposal would result in only a small increase in the number of bedrooms at the appeal property, and this would not be sufficient to cause parking issues along the street. In this regard I note that the Council's Highways section did not object to the development on these grounds.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development.

Conclusion

20. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

Thomas Hatfield

INSPECTOR