
Appeal Decision

Site visit made on 15 November 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/N4720/W/16/3157182

3 Grange View, Chapeltown, Leeds LS7 4EP

- 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 Alpesh Patel against the decision of Leeds City Council.
 - The application Ref 16/01391/FU, dated 2 March 2016, was refused by notice dated 12 August 2016.
 - The development proposed is Change of use from a single dwelling house (C3) to a single house in multiple occupation (C4).
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a single dwelling house (C3) to a single house in multiple occupation (C4) at 3 Grange View, Chapeltown, Leeds LS7 4EP in accordance with the terms of the application Ref: 16/01391/FU dated 2 March 2016 and subject to the conditions set out in the schedule attached to this Decision.

Main Issue

2. The main issue is the effect of the proposed development on the housing mix, community balance and the cumulative impact of a high concentration of Houses in Multiple Occupation (HMO) in the area.

Reasons

3. The appeal site is situated at the end of a row of terrace properties in a residential street. It is adjacent to a number of commercial and retail properties on Chapeltown Road to the west of the site. The appeal property is a four storey end terrace dwelling including basement and has an area of hard standing in the front garden area which is set behind a low brick wall and close boarded timber fence. To the rear is an open area of hard standing with access to the basement level. Whilst there is a mix of uses in the surrounding area, the prevailing characteristic of the locality is residential.
 4. Part A of Policy H6 of the Leeds Core Strategy (the Core Strategy) sets out criteria for assessing proposals for HMOs. These seek to ensure that a significant supply of HMOs is maintained and that HMOs are located in areas which are linked to employment and education provision relevant to their occupiers. Furthermore, the criteria seek development to avoid detrimental impacts resulting from high concentrations of HMOs and ensure that new HMOs
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address relevant amenity and parking concerns. In addition, the Council seeks to avoid the loss of existing housing suitable for family occupation where there is a high concentration of HMOs.

5. The relevant elements of Policy H6 (Part A) to this appeal are criteria (iii) and (iv) which deal with the detrimental impacts of high concentrations of HMOs in an area and the impact on the living conditions of local residents and neighbours. Paragraph 5.2.22 of the supporting text for Policy H6 sets out the potential impacts and consequences of a high concentration of HMOs which include increased noise and nuisance and imbalanced and unsustainable communities, amongst other matters.
6. In Grange View, the Council indicates that there are four houses in multiple occupation. This includes the appeal property were the appeal to be allowed. Furthermore, the Council has provided evidence through Council Tax records which identifies 35 properties in nearby streets, including those identified on Grange View, which the Council considers to be HMOs. I note in the Officer Report that the ward of Chapel Allerton is identified as an area with a high concentration of HMOs. As such, the Council argues that the proposed change of use would have a detrimental impact on the balance of the local area in terms of housing mix and population and would exacerbate the imbalances and high concentration of HMOs which, it is argued, exist locally.
7. The appellant has provided an analysis of the level of HMOs present in the area around the appeal site and also of two other areas in Leeds where a high concentration of HMOs are acknowledged to exist for comparison. This analysis assesses the number of HMO properties of 5 bedrooms or more within a 250 metre radius of the appeal site and provides a similar assessment in relation to the other comparison areas. I appreciate the Council's point that the comparison areas referred to in the appellant's analysis are areas of particularly high concentrations of HMOs with rates in excess of 30% and that as such, caution should be applied to the view that any lower proportion of HMOs than is presented in those areas would constitute a low concentration.
8. Accordingly, I have applied caution in my assessment of the evidence before me. However, I am also mindful that the assessment may provide an underestimate of HMO properties due to the omission of properties of 4 bedrooms or fewer which may exist in HMO use in these areas.
9. From the site visit and my assessment of the submitted evidence, I note that Grange View has in excess of 50 properties. Based on the Council's evidence that four HMOs would exist on Grange View, were I to allow the appeal, the proportion of HMOs would be less than 10% of properties on the street. In the wider area, the analysis provided by the appellant indicates that there are in excess of 750 residential units within 250 metres of the appeal property. I note that from the Council's list of 35 HMOs in the nearby streets, some are situated outside of the 250 metre radius. Therefore, there are likely to be fewer than 35 HMOs within the area of assessment around the appeal site. Notwithstanding this, even if all of the Council's identified HMOs in the nearby streets were situated within 250 metres, this would amount to less than 5% of the total number of residential units being in HMO use.

10. Whilst exercising a degree of caution, these low proportions in the area around the appeal site when compared to the other areas identified by the appellant indicate a significantly low concentration of HMOs within the local residential unit provision.
11. The Council has confirmed that there is no specific definition of what constitutes a high concentration of HMOs. Therefore, despite the Council Tax evidence provided, it is difficult to determine what constitutes a high concentration in this regard and therefore a judgement must be made. As a result, based on the evidence before me, I conclude that at both the street level and local area level, the area around the appeal property does not have a high concentration of HMOs.
12. The Council argue that the proposed change of use would result in the loss of a single family home, further erode the housing mix and exacerbate the community imbalance. Whilst the proposed development would lead to the loss of a property suitable for a single family dwelling, I find that this would not be of such significance as to result in any material harm to the housing balance of the locality. Furthermore, the appeal property would be accessible to public transport and to local services and facilities. Moreover, it is large and would provide relatively spacious accommodation as a HMO. Having had regard to these matters, I find that the benefits of the proposal would clearly outweigh the very limited effects on the housing and community balance of the area.
13. Consequently, I conclude that the proposed change of use would have no significant detrimental effect on the housing mix and balance of the local community. Nor would it have any materially adverse cumulative impact on any high concentration of HMOs in the surrounding area of the appeal property. Therefore, it would comply with Policy H6 of the Leeds Core Strategy. Amongst other matters, this policy seeks to ensure that development does not create or exacerbate high concentrations of HMOs which would have an adverse effect on the housing mix and balance of communities.

Other Matters

14. Concerns have been raised relating to a number of matters not dealt with under the substantive issue above. These involve the potential disturbance to neighbouring occupiers due to increased activity at the property with regard to noise, waste and parking.
15. With regard to noise, whilst I acknowledge that HMOs can generate an increase in general activity at the property due to the comings and goings of its occupiers, I have no evidence to indicate whether there would be any material adverse effect on the living conditions of neighbouring occupiers over and above what would be expected from a single family dwelling of a similar size. Despite this, given the proximity of the appeal site to the commercial and retail uses on Chapeltown Road adjacent to the appeal site, in my view, it would be reasonable to consider that the potential for the proposed HMO to generate any adverse noise impact over and above that which currently exists would be limited.
16. I note that concerns relating to a contribution towards street waste problems in the area have been considered by the Council. Whilst I appreciate the importance of these matters to those affected, the Council has indicated that,

with the imposition of a suitably worded condition, any adverse effects would be suitably mitigated. In the absence of any evidence to the contrary, I am satisfied that this would be reasonable and therefore have no reason to take a different view on this matter.

17. In relation to the potential for parking problems on Grange View and the surrounding area, I note that the highway authority have raised no objection to the scheme. At the time of the site visit there appeared to be adequate parking available on Grange View and two off-street parking spaces are provided at the rear of the appeal property. Whilst I acknowledge that observations at the site visit can only ever be a snapshot in time and may not necessarily reflect the parking situation at other times, I have no substantive evidence before me to indicate otherwise. Therefore, based on what I have seen and read, including comments from the highway authority, I have no reason to differ from that view.

Conditions

18. I have had regard to the planning conditions that have been suggested by the Council. Where necessary, and in the interests of conciseness and enforceability, I have altered the suggested conditions to better reflect the relevant parts of the Planning Practice Guidance (PPG).
19. In addition to the standard implementation condition (1), I have imposed a condition specifying the approved plans (2) in the interests of providing certainty. Furthermore, conditions relating to the provision and storage of waste and recycling facilities (3) and cycle parking (4) on site are necessary and reasonable in the interests of character and appearance and the living conditions of future and neighbouring occupiers.
20. I have not imposed a condition relating to the restriction of residential use of the basement as I am not persuaded that it is absolutely necessary to do so. The PPG indicates that such restrictions should be exceptional and I do not consider the circumstances in this case to be so. Furthermore, I have not imposed the suggested condition as I have not been provided with any substantive evidence to justify my doing so.

Conclusion

21. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Andrew McCormack

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 the following approved plans: 'Site Location Plan' – Page A; 'Site Map – Proposed Additions' – Page B; 'Ground Floor Plan'; '1st Floor Plan'; and '2nd Floor Plan, all submitted to the Council with the application Ref: 16/01391/FU.
- 3) The development hereby permitted shall not be occupied until details of the waste and recycling facilities and storage shall have been submitted to, and approved in writing by, the local planning authority. Such details shall include the number of bins, means of enclosure, size and materials. The details shall be implemented as approved and shall be maintained as such thereafter.
- 4) The development hereby permitted shall not be occupied until details of the provision for cycle parking and storage on the site has been submitted to, and approved in writing by, the local planning authority. The details shall be implemented as approved and shall be maintained as such thereafter.

END OF CONDITIONS