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## Appeal Decision

Site visits made on 28 December 2016 and 7 February 2017

**by Helen Heward BSc (Hons) MRTPI**

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

**Decision date: 9<sup>th</sup> February 2017**

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**Appeal Ref: APP/N4720/W/16/3158952**

**6 Grange Terrace, Chapeltown, LEEDS LS7 4EF**

- 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 Peter Wenham against the decision of Leeds City Council.
  - The application Ref 2016/01753/FU, dated 16 March 2016, was refused by notice dated 12 August 2016.
  - The development proposed is change of use to House in Multiple Occupation (6 units).
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### Decision

1. The appeal is allowed and planning permission is granted for a change of use to a House in Multiple Occupation (6 units) at 6 Grange Terrace, Chapeltown, LEEDS LS7 4EF, in accordance with the terms of the application, Ref 2016/01753/FU, dated 16 March 2016, subject to the following 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 drawing Dwg No 001 Job No R01-02 dated 14 March 2016.
  - 3) Prior to first occupation, full details of the bins and bin store shall be submitted to and approved by the Local Planning Authority. Details shall include number of bins, means of enclosure, size and materials. The details approved shall be implemented and shall be maintained thereafter.
  - 4) The face and cheeks of the dormer windows shall be hung in materials to match those of the existing roofing materials.

### Procedural Matters

I have taken the description of development from the application form but replaced 'HMO' with the words 'House in Multiple Occupation' for clarity.

### Main Issue

1. The main issue is the effect of the proposal upon the concentration of houses in multiple occupation (HMO) and the mix of housing in the locality.

### Reasons

2. The appeal property (No 6) is a terraced dwelling located within a predominantly residential area. The locality is mainly comprised of properties of a broadly similar design, scale and character and appearance.
  3. No 6 is a dwelling house with four bedrooms. An Article 4 Direction which came into force in 2012 withdraws permitted development rights for a change
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of use between a residential dwelling and a Class C4 House in Multiple Occupation<sup>1</sup>. Policy H6 of the Leeds Core Strategy (CS), 2014, advises that proposals for new HMOs within the area covered by the Article 4 Direction will be determined against a number of aims, including (iii) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities, and (iv) to ensure that proposals for new HMOs address relevant amenity and parking concerns.

4. The Council submitted the report upon which the Article 4 direction was based. However, there is little to say what the present level of HMOs in the locality of the appeal site is and this limits the weight I attach to it. The initial Planning Officer's report advised that Council Tax data indicates 23 flats (including a block of 12 purpose built flats) and 1 HMO on Grange Terrace. In a subsequent Planning Officer report the Council revised the estimate to four HMOs on Grange Terrace and 31 on other streets in the locality. The appellant disputes the figures and submits there is only one HMO on Grange Terrace and three in the wider area. There is little to say which are most accurate. In order to consider the greatest potential impacts I address the higher figures.
5. Along Grange Terrace, with the exception of a children's nursery at one end and some purpose built flats within the central section, the majority of the built form comprises Victorian terraced dwelling houses, of which there are many. These properties have a relatively uniform character and physical appearance. Many have characteristics indicating occupation as individual dwelling houses, such as a uniformity of window dressing and a single doorbell. Amongst these I noted some properties have two doorbells, and one has several. I have little way of knowing if they are to individual flats that would fall within use Class C3 or to bedrooms within a C4 HMO. Otherwise there were few outer signs that dwellings have been subdivided or are in multiple occupation. There is nothing to say that the majority of dwellings on Grange Terrace are not suitable and available for occupation by families or similar households. All in all I found Grange Terrace has a strongly residential character and appearance and does not appear significantly changed or influenced by possible sporadic HMOs.
6. I also visited neighbouring streets to the north, south and east of Grange Terrace. I found some signs of subdivision, such as along Grange Avenue. Nonetheless the very many high density Victorian terraced dwellings remain the predominant characteristic of these areas too.
7. From my observations of this high density residential area, and the evidence before me I conclude that a total of four HMOs on Grange Terrace and 35 HMOs in the wider area do not amount to an existing over concentration of HMOs. I further conclude that a total of five HMOs on Grange Terrace and 36 in the wider area would not result in an over concentration of HMOs, nor is there evidence to say it would create an imbalance in housing types and mix in the locality. I find no conflict with the requirements of CS Policy H6 (iii) and (v) to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities and to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs.

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<sup>1</sup> Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 3 Class L: change of use between a residential dwelling (Class C3) and Class C4 House in Multiple Occupation (use as 'a dwelling house by not more than six residents as a house in multiple occupation')

8. The HMO would make a small contribution to housing choice and the anticipated growth in the need for HMOs identified in the Council's [Leeds] Cities Strategic Housing Market Assessment-2011. It would be in a sustainable location, located close to Chapeltown Road, close to commercial and shopping functions, and accessible by public transport to employment and educational destinations in the City Centre. I find no reason to say the building would not be capable of conversion back to a Class C3 dwelling in the future. Dormer windows to the front and rear would be relatively small and seen within the context of a variety of existing dormer windows that are characteristic of the locality. The appearance of the building would otherwise not change.
9. No 6 is located in a busy area of the city area where it is reasonable to assume a level of noise throughout the day and into the night. There is nothing to say that the level of noise and activity that may occur from the proposed C4 Use would be significantly different from that which could reasonably be expected from activities associated with occupation of this four bedroom dwelling, either by a family or by not more than 6 residents living together as a single household as permitted by Class C3<sup>2</sup>. There is no other evidence to say the proposed use would disturb or harm the living conditions of occupiers of adjacent dwellings. There are no objections from the Highway Authority and parking is unrestricted on Grange Terrace.
10. There is nothing in the Planning Officers' reports or other evidence to indicate that the proposal would fail to satisfy any of the other requirements of Policy H6. In the light of my findings above I find no conflict with advice contained within the National Planning Policy Framework (2012) that planning should always seek to achieve a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).
11. To comply with Section 91 of the Town and Country Planning Act it would be necessary to impose a condition to require that the development is implemented within 3 years. Conditions requiring approval of cycle and refuse storage would be necessary and reasonable to protect the amenity of the occupants and locality. A condition requiring that the materials of the dormers match the roof materials is also reasonable and necessary in the interests of protecting the character and appearance of the development and the locality.

### **Conclusions**

12. The evidence is not persuasive that there is an existing over concentration of HMOs on Grange Terrace and the wider area, nor am I persuaded that the proposal would result in an over concentration of HMOs on Grange Terrace and in the wider area, or that the proposal would create an imbalance in the mix of the housing stock in the locality. I find no conflict with the requirements of CS Policy H6 to avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities and to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations. Therefore, and having taken all other matters raised into consideration, the appeal is allowed subject to the conditions at paragraph one.

*Helen Heward*

PLANNING INSPECTOR

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<sup>2</sup> of the Schedule to The Town and Country Planning (Use Classes) Order 1987, as amended