
Appeal Decision

Site visit made on 7 February 2017

by Helen Heward BSc (Hons) MRTPI

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

Decision date: 14th February 2017

Appeal Ref: APP/ N4720/W/16/3163929

The Omnibus Public House, Throstle Road North, Middleton, Leeds LS10 4AD

- 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 Philip Wright (PC Fencing & Landscaping Limited) against Leeds City Council.
 - The application Ref 16/05878/FU, dated 19 September 2016, was refused by notice dated 15 November 2016.
 - The development proposed is described as 'change of use from public house to a house of multiple occupancy'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have taken the description from the application form. I note that the proposal includes building operations described by the Council as 'alterations'. I have determined the proposal having regard to the layout on Dwg. No. 736/4 Rev B November 2016, and upon which the Council made its decision. Although the Council state that up to 30 people could reside in the property the application proposes that there would be 15 bedrooms intended for individual occupancy and that is how I have considered the proposal.

Main Issue

3. The effect of the proposal upon the living conditions of future occupants.

Reasons

4. The appellant informs me that the proposal fully complies with the Leeds City Council Advisory Standards (the Standards) for 'Category A' Houses in Multiple Occupation (HMO) and that Category A HMOs comprise parts that are rented as individual lettings with exclusive use of certain rooms. Occupiers may share washing, toilet and kitchen facilities, but do not usually have a communal living room. Individuals may have a letting agreement that specifies the part(s) of the accommodation that they may occupy.
 5. Although the Standards have been produced by the Council to assist landlords and others to design, improve and maintain to a reasonable standard, they do not form part of the Development Plan nor are they adopted by the Council as supplementary planning guidance. Moreover neither party has submitted the
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Standards as part of this appeal. Therefore, the weight I attach to the aspects of the Standards brought to my attention is limited.

6. The ground floor accommodation would be at a large scale with 10 individual rooms and two kitchen dining areas. There would be an additional five rooms on the first floor. With all the rooms accessed off quite narrow internal corridors, turning this way and that, it would not feel like a small shared house, rather it would feel large, impersonal and anonymous.
7. The appellant acknowledges that occupants of these types of HMO tend not to have the characteristics of a single household. The scale and layout of the proposal would increase the probability of this. The likelihood that individuals would not know or be acquainted with each other would be high. The probability of 15 individuals behaving in shared or social ways would be low. I am not persuaded that comparisons can be drawn with a Class C4 HMO¹. Moreover, the proposal is for a change of use of a public house to a sui generis use and there is no evidence before me that there is any 'fall-back' position in relation to the appeal site and this proposal.

Access to toilets and showers

8. There would be three individual WC's and three shower and toilet rooms for 15 bedrooms. There would be no wash facilities within bedrooms. The appellant informs me that this complies with the Standards for Category A HMOs.
9. At each end of the ground floor would be one toilet and shower room and another separate toilet. In particular, for six rooms, mainly in the middle of the ground floor, these facilities would be remote and out of sight. For the occupants of these rooms their routes to reach the bathroom would require them to travel along relatively narrow corridors and past a number of other rooms. In one direction they would have to pass close by the kitchen areas. With the occupants of ten rooms sharing these facilities and not having any individual wash facilities within their own rooms, it is likely that demand for the facilities would be high during certain peak times in the morning and evening, and this could result in queuing. A feeling of remoteness from the facilities and/or an inability of several occupants to see the facilities from the doors to their rooms would increase the likelihood of queuing. Queuing would be along narrow corridors and could occur outside of doors to private rooms.
10. Five first floor rooms would share a set of facilities providing two toilets and one shower. There would be a view of the bathroom facilities from most of the bedroom doorways, and on balance, the facilities would provide the occupants of those bedrooms with more reasonable bathroom and toilet facilities. However, this does not mitigate or compensate the detrimental situation that would occur on the ground floor.
11. Overall the proposal would not guarantee the occupants the ability to look after their personal care needs conveniently with privacy, safety and dignity.

Communal areas and bedroom sizes

12. The proposal includes two kitchens and dining areas on the ground floor which would provide space for occupants to cook and spaces where tables and chairs

¹ Use of a dwellinghouse by not more than six residents as a house in multiple occupation

- could be put. I am informed that the Standards for Category A HMOs do not require communal living space.
13. Whilst they might provide an adequate amount of space for cooking and eating I do not think that the space within these rooms would provide for much more than indicated on the plan, which shows room for 15 people to sit at a table. At peak times when several individuals might want to cook or prepare meals they would feel busy and quite compact. The appellant also points out that if occupants wished to entertain friends then this could be done within these rooms and this adds to my concerns.
 14. There would no additional space for sofas or other furniture that one might normally expect in a communal or shared relaxation area. I am not persuaded that these areas would have the character and appearance of a combined dining and living or kitchen-dining area in an individual home. Given that the occupiers of Category A HMOs do not tend to live as a shared household, and that there could be up to 15 occupants plus guests, conflict over the use of these spaces could arise. I am not persuaded that they would provide suitable spaces for communal living rooms for relaxation and rest.
 15. The Standards indicate bedrooms should be no less than 6.5m². The proposed bedrooms would exceed this minimum, ranging from 10.8m² to 15.4m². Each room would provide space for a 1200mm wide bed, wardrobe, drawers and desk, and this is indicated on Dwg. No. 736/4 Rev B.
 16. On my visit I saw some existing rooms which would be used to create bedrooms between 10.8m² and 11.6m². Nine rooms would be within this range, and six would be larger. The rooms I saw appeared similar in size to a small double bedroom one might find in a dwelling.
 17. The bedrooms are not intended as self-contained flats and the Standards do not require individual washing facilities. However, the furniture shown on the layout plan appears quite modest in scale and in the rooms I saw there did not appear to be space for any additional furniture that an occupant might require to retire and relax in comfort, such as an armchair. That features such as televisions might need to be wall mounted is to my mind an indication that spaces standards are very limited. I am not persuaded that the smaller bedrooms would afford an individual adequate space to create a comfortable, private space to retire to and relax in.
 18. Overall I find that the majority of bedrooms would not be large enough to provide sufficient space to retire and relax, nor would there be any communal living room spaces for relaxation and rest when not cooking, eating or sleeping. Therefore most occupants would lack internal spaces designed to cater for their general relaxation needs and this would adversely impact upon their living conditions. The shortcomings could result in occupants seeking out alternative spaces such as, for example, congregating in the narrow internal corridors or stairwell by the external doorway to the property. With more than half of the occupants affected in this way the potential intensity of the effects could be significant and would make the adverse impacts all the more harmful.
 19. There would be a designated outdoor amenity space on the northern part of the site and existing landscaped areas around the property but this would not mitigate the adverse impacts I have found which relate to the internal environment.

20. Rooms would have at least one window providing an outlook, natural light and sunlight. Appropriate sound attenuation could be incorporated and required by planning condition. There is nothing to say that there would be harm to highway or pedestrian safety. The site is sustainably located close to bus stops which provide access to a wide area of Leeds including areas of employment and leisure. No physical extensions are proposed that would have adverse impacts upon the living conditions of occupiers of neighbouring dwellings. But none of these matters amount to weight in favour of the proposal, rather they are neutral in effect.
21. There is little evidence to say that there would be a lower level of noise and disturbance than from the previous use or that tenancy agreements would require residents to live together in a respectful way and allow for the landlord to take action. I attach little weight to these matters. There is also scant evidence to demonstrate that the proposal fulfils most of the requirements within the Standards, but for reasons already explained, the weight I attach to the Standards is limited.
22. I conclude that the proposal would fail to provide future occupants with satisfactory living conditions and an acceptable level of amenity. The proposal fails to satisfy requirements in Leeds Core Strategy, 2014, Policy P10 and the Leeds Unitary Development Plan, Review 2006, Saved Policy GP5 that, amongst other things, new development should contribute positively to quality of life and provide a good level of amenity for future occupiers, including providing living accommodation which is of an appropriate size. The proposal is also contrary to advice at paragraph 17 of the National Planning Policy Framework that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

23. The appellant asserts that the Council have not acted in a positive manner to try and resolve the issues raised. However, my decision is confined to the merits of the planning appeal before me.
24. I have noted that the application attracted a high level of objection from third parties with particular concerns about the proximity to a Primary School. However the building was previously a public house and there is nothing to say that the behaviour of the occupants of the HMO would be anti-social.
25. The proposal would bring into use a redundant empty building which is in a state of dereliction and has been subject to vandalism and/or anti-social behaviour. I attach a moderate degree of weight in favour to these gains.

Conclusions

26. The benefits of the reuse of a redundant vandalised building do not outweigh the substantial harm to the living conditions of future occupiers of the building. Therefore, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR