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# Appeal Decision

Site visit made on 2 October 2017

**by Elizabeth Pleasant DipTP MRTPI**

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

**Decision date: 19 October 2017**

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**Appeal Ref: APP/N4720/W/17/3179499**

**13 Mayville Road, Leeds, West Yorkshire LS6 1NF**

- 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 Amjad Majid against the decision of Leeds City Council.
  - The application Ref 17/01142/FU, dated 22 February 2016, was refused by a notice dated 19 April 2017.
  - The development proposed is a change of use from C3, single dwelling to C4, house in multiple occupancy (HMOs). No external alterations.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Headingley Neighbourhood Forum has published Policy Intentions (2015) for their forthcoming Neighbourhood Plan for Headingley. However, in view of the infancy of this Plan it can only be afforded very limited weight.
3. The appellant has questioned whether the proposed development requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under Section 191 and 192 of the Act. Any such application would be unaffected by my determination of this appeal.

## Main Issues

4. The main issues in this case are:
  - The effect of the proposal on the mix of housing with particular regard to local and national planning policy; and
  - The effect on the appeal proposal on the living conditions of neighbouring residents.

## Reasons

### *Policy Background*

5. In recognition of an increasing concentration of student accommodation, including HMOs in the Headingley, Hyde Park and Woodhouse areas of Leeds, and the concerns this raises regarding a loss of amenity to existing residents as

well as in some instance a loss of housing suitable for families, the Council has sought to redress the housing and population imbalance that has occurred by the imposition of an Article 4 Direction across part of the city which requires planning permission for the conversion of dwellings in the C3 use class to HMOs covered by the C4 use class.

6. Furthermore, Policy H6 of the adopted Leeds Core Strategy, 2014 (CS) requires development proposals for new HMOs within the area of Leeds covered by the Article 4 Direction, to be determined to: ensure that a sufficient supply of HMOs is maintained in Leeds; ensure the HMOs are distributed in areas well connected to employment and educational destinations associated with HMO occupants; avoid detrimental impacts through high concentrations of HMOs, which would undermine the balance and health of communities; ensure that proposals for new HMOs address relevant amenity and parking concerns; avoid the loss of existing housing suitable for family accommodation in areas of existing high concentrations of HMOs.

### *Housing Mix*

7. The appeal property is a mid-terraced four bedroomed dwelling which is currently occupied as a single dwelling (Class C3). It has a relatively large back garden and garage space and is clearly suitable for use as family accommodation.
8. From my observations on site I could concur with the evidence set out in the Council's Statement that Mayville Road is characterised by a mix of family occupied homes and HMOs. However, it is also clear that within the immediate surrounding area there are a significant number of HMOs in what is a very densely populated and built up area. Hyde Park has been identified by the Council as an area which has been heavily impacted by a high concentration of HMOs, and it is clear from the Council's evidence<sup>1</sup> that the levels of anti-social behaviour in the surrounding area are also high. I also noted on my visit that many of the residential properties have bars on their windows which would reinforce the Council's concerns about the high incidences of crime in the area. Furthermore, it is apparent from the physical environment and streetscape that the large numbers of HMOs creates significant pressure on local services, including street cleaning and refuse collection. There is no doubt in my mind that the appeal proposal would only exacerbate the harmful effects which are already evident in an area where there is a high concentration of HMOs.
9. I have not been provided with any substantive evidence to suggest that there is an insufficient supply of HMOs in the locality, and indeed the Leeds HMO Lobby references a report by Leeds City Council's Student Accommodation Working Group, 2014 which suggests that there is a current over-supply of HMOs in the Headingley and Hyde Park Area. It is clear that the appeal property is suitable as a family home with its large rear garden and garage space. Furthermore, the existing character of Mayville Road would not suggest that a single dwelling in this location would be unappealing. In view of the predominance of HMOs in the locality, I consider that the loss of this family home would further undermine the balance of health and community in this area and fail to address the Council's objective of trying to protect and improve the sustainability of the community.

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<sup>1</sup> Appendix 12 Anti-social Behaviour Team Manager Statement

10. I conclude that the proposed development would have a significant harmful effect on the housing mix. It would be contrary to the development plan, and in particular Policy H6 of the CS, the aims of which are set out above. I also find conflict with paragraph 50 of the National Planning Policy Framework which states that to deliver a wide choice of high quality homes and create sustainable inclusive and mixed communities, planning authorities should plan for a mix of housing.

#### *Living conditions*

11. The Council are concerned that the appeal proposal would result in intensification in the use of the site which would have a harmful effect on the living conditions of neighbouring residents by reason of noise and disturbance.
12. The existing property has four bedrooms and a separate kitchen, living/dining area and a sitting room. There were no proposed floor plans with the appeal proposal, and consequently it is not clear how many bed spaces the HMO would accommodate. However, there is the potential for six adults to live together.
13. I recognise that the existing property could accommodate a large family, including teenagers who play music. I also understand that future occupants may not be students but professional adults living together. However, the existing C3 use class would most likely comprise a household of mixed age groups living as one family, whereas an HMO would be more likely to accommodate six unrelated adults. Six adults living together would to my mind result in, not only an increase in the number of comings and goings from the property, but also a different pattern of activity than would be the case with a family, of mixed ages, living as one household.
14. The appeal proposal would result in an increase in the coming and goings from the property, including visitors to the property. This activity is likely to take place throughout the day and into the late evening. Furthermore, the general noise levels associated with the normal living conditions of a family would be significantly less than that expected of up to six adults. Consequently, the appeal proposal would lead to an increase in noise and disturbance on Mayville Road which currently contains many properties still in C3 use.
15. I conclude that the proposed development would have a harmful effect on the living conditions of neighbouring residents. It would conflict with the development plan, and in particular with Policies H6, P10 of the CS and Policy GP5 of the Leeds Unitary Development Plan Review, 2006 which together with the Council's adopted Supplementary Planning Guidance, Neighbourhoods for Living, 2003, seek to ensure that development does not adversely affect the living conditions of existing residents.

#### **Other Matters**

16. I understand that the proposal would meet the needs of a specific housing sector, however I have not been provided with any substantive evidence to suggest that there is a demonstrable need for the proposed accommodation in this location, and the contribution the development would make affordable housing and housing land supply would be limited. These considerations do not outweigh the harm that I have identified to the overall housing mix in the locality and conflict with the objectives of local and national planning policy.

17. It is recognised by the Council that HMOs can provide significant benefits to the local economy, however it also clear that in areas where there are high concentrations of HMOs, as is the case in this appeal, there can be negative impacts on the area, including the restructuring of retail, commercial services and recreational facilities to suit the lifestyle of the predominant population creating unbalanced and unsustainable communities.

**Conclusion**

18. For the reasons give above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

*Elizabeth Pleasant*

INSPECTOR