
Appeal Decision

Site visit made on 21 November 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 7th December 2017

Appeal Ref: APP/N4720/W/17/3181779

19 Grimthorpe Street, Headingley, Leeds LS6 3JU

- 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 James Briscoe against the decision of Leeds City Council.
 - The application Ref 17/02791/FU, dated 2 May 2017, was refused by notice dated 26 June 2017.
 - The development proposed is a change of use of a dwelling (C3) to a House in Multiple Occupation (C4).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council's decision notice includes 3 reasons for refusal, although reasons 2 and 3 cover similar matters in relation to aspects of the effects on living conditions and the local environment. Accordingly, I have dealt with these matters together.

Main Issues

3. The main issues are (i) the effect of the proposed change of use on the housing mix in the area and (ii) the effect on the living conditions of the occupiers of adjoining residential properties and, more broadly, residents in the area, with particular regard to potential noise and disturbance.

Reasons

Housing Mix

4. The appeal property is a 3 storey mid terrace house, which contains 4 bedrooms and communal facilities. To the rear of the property is a small enclosed outdoor amenity area, which contains a domestic type shed. The property is located in an area which has a high concentration of Houses in Multiple Occupation (HMOs), and is a popular location for students and young professionals. In Grimthorpe Street, a significant number of properties are in HMO use, although a number also remain in C3 use, and from my site visit it was apparent this pattern is largely repeated in the immediate area.
5. The proposal would create a further HMO use in the area and, as such, it would create a further imbalance and reduce the housing stock that would have the potential to be available for other types of occupation. The layout and size of

the property would not preclude its use for families, which is a type of accommodation which Policy H6 of the Leeds City Council, Leeds Core Strategy (2014) seeks to avoid the loss of in an area of an existing high concentration of HMOs. The proposal would, therefore, result in the loss of existing housing which is suitable for family occupation and jeopardise that a housing mix is maintained.

6. The appellant has submitted a substantial amount of evidence concerning the extent of HMO use. Although some of this has been disputed by the Council, and I accept that given the reliability of some of the information sources it is not possible to be entirely categorical over the extent of HMO use, in my mind, this further demonstrates that the proposal would make a material difference to the imbalance. The loss of the C3 use, on its own and cumulatively, would contribute to this detrimental effect on housing mix.
7. The supporting text to Policy H6 sets out potential exceptions where the loss of family accommodation would not be resisted. However, this is in the context of whether or not the accommodation itself is suitable for family occupation. With the number of bedrooms, size and layout of the appeal property, and that the occupiers would benefit from the enjoyment of private outdoor amenity area, I see no substantive reason why it would not be suitable for families. Similarly with the proximity of the site to local services and shops in Headingley, and good public transport links, the location would be also attractive to families. I consider that the property would not be unappealing and effectively unsuitable for family occupation. The exceptions do not therefore apply.
8. I conclude the effect of the proposed change of use would be to contribute towards a harmful and unacceptable imbalance in the housing mix in the area. As such, it would not comply with Policy H6 of the Core Strategy which states proposals will be determined to avoid the loss of existing housing suitable for family occupation in areas of existing high concentrations of HMOs. Similarly, I also conclude it would not comply with paragraph 50 of the National Planning Policy Framework (Framework) which seeks to create sustainable, inclusive and mixed communities.

Living Conditions

9. The proposal would result in a likely increase in the number of movements to and from the property because the nature of an HMO use is that it permits the rooms in the property to be occupied by unrelated adults. Such movements would have the potential to occur during the day, evening times and at night, given that the occupiers of the proposal would likely be students or young professionals.
10. Similarly, the intensification of the use would be reflected in an increase in the activities within the property, and this would be apparent on all three floors of the accommodation, with the layout. The narrow terraced form of the property would also mean the increased movements and activities in bedrooms and communal areas would be in close proximity to the neighbouring properties on either side. I consider this has the potential to cause significant noise and disturbance.
11. In respect of impacts on living conditions on residents living in the broader area, the intensification of the use would also have the potential create noise and disturbance, in relation to the movements to and from the property.

12. I also see no obvious benefit with regard to the living conditions of the occupiers of the proposal concerning the proximity to other HMOs, and associated noise and disturbance issues, because this would still be apparent whether or not the appeal property itself is in HMO use.
13. Matters in relation to the broader upkeep of the property, as far as the storage of refuse bins and cycle storage, could be dealt with through planning conditions. I also note the Council's concerns regarding anti-social behaviour, crime, and impacts on the physical environment and services, and the associated evidence that has been compiled on these issues. I am not however persuaded that the proposal would contribute significantly to these issues on its own, or cumulatively, due to the likely number of occupiers. With regard to the Council's Headingley and Hyde Park Neighbourhood Design Statement Supplementary Planning Document (2010), this document would seem to concern itself largely with character and appearance issues. However, none of these matters would address my concerns over noise and disturbance.
14. I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of adjoining residential properties and, more broadly, residents in the area, in respect of potential noise and disturbance. Therefore, it would not comply with Policy H6 of the Core Strategy which states that proposals for new HMOs will be determined to ensure that relevant amenity issues are addressed and to avoid detrimental impacts though high concentrations of HMOs. It would also not comply with Policy P10 of the Core Strategy and 'Saved' Policy GP5 of the Leeds Unitary Development (Review 2006) which, collectively, seek to protect residential amenity.
15. I also conclude the proposal would not comply with paragraph 17 of the Framework which states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

16. With regard to the Headingley Neighbourhood Plan, as it is still at an early stage of preparation, its proposals can only be given limited weight. I also note the Council's Houses in Multiple Occupation (HMOs): Development Management Practice Guidance Note (2017), which has been produced to provide internal practical guidance for Development Management Officers at the Council, although this does not alter my conclusions.
17. I have considered the parties' views on the other appeal decisions which have been put forward, and whilst there are some similarities, each decision must be determined on its own merits. Consequently, I have only given limited weight to these decisions and I have determined the appeal on the basis of the proposal before me and the site circumstances.

Conclusion

18. For the reasons set out above, the appeal should be dismissed.

Darren Hendley

INSPECTOR