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## Appeal Decision

Site visit made on 2 July 2019

**by J M Tweddle BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 2<sup>nd</sup> August 2019**

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**Appeal Ref: APP/C2741/W/19/3226870**  
**41 Deramore Drive, York YO10 5HL**

- 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 & Mrs Cleaver against the decision of the City of York Council.
  - The application Ref 18/02511/FUL, dated 1 November 2018, was refused by notice dated 1 March 2019.
  - The development proposed is a change of use from Class C4 (Small HMO) to Sui Generis (Large HMO).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issues in this case are:
  - Whether the proposal provides suitable arrangements for car and cycle parking and refuse storage; and
  - The effect of the proposal on the character and appearance of the area.

### Procedural Matter

3. In their reasons for refusal the Council cite policies contained in the City of York Draft Local Plan 2005 (the 2005 Draft LP), which has been approved by the Council for development control purposes, and policies in the Publication Draft City of York Local Plan 2018 (the Emerging LP). As neither of these plans have been formally adopted, I have given them weight only in so far as they are consistent with the National Planning Policy Framework (the Framework).

### Reasons

#### *Parking, cycle and bin storage arrangements*

4. The proposal seeks a change of use from an existing 6 bedroom House in Multiple Occupation (HMO) to provide a seven bedroom HMO along with a bin and cycle storage building to the rear of the property. The submitted plans indicate the provision of 3 off-street parking spaces to the front of the property within the existing block paved garden area. Two of them would be in a parallel arrangement and the third on an angle to the front of the bay window. The proposed parking would be substandard in size, providing little or no circulation space around the vehicles to allow for unloading, maintenance, washing, etc.

5. The layout is such that it would be particularly difficult to manoeuvre vehicles into and out of the space proposed to the front of the bay window due to its oblique positioning in relation to the other spaces. This would effectively render the space unusable.
6. It is also evident that if the parking layout were to be implemented, as proposed, it would make the passage of pedestrians with wheeled bins or cycles difficult, if not impossible. Similarly, the narrow width to the side of the property coupled with the change in levels and stepped access to the side and rear would also hinder the movement of bins and cycles down the side of the property. The plans do not account for the change in ground level and therefore it is difficult to see how the bin and cycle storage building could be implemented to accommodate these differing levels and provide convenient access.
7. I note the Council's requirement for 4 off-street parking spaces, although the proposal offers only 3 spaces, which I have already found to be of an inadequate size and impractical arrangement. The appellant has suggested that additional parking provision could be provided outside the site on the driveway leading up to the property and that further spaces could be provided to the front of the property by undertaking alterations to the existing boundary and widening the access to the highway. However, I have no substantive evidence to demonstrate how any of this would be achieved.
8. The inadequate onsite parking provision and further parking pressures resulting from an additional occupant of the HMO would displace vehicles onto the public highway and subsequently increase demand for on-street parking in an area where there are already existing parking pressures. I note that a residents' parking zone is in operation between the hours of 8am and 5pm Monday to Friday, however, as the demand for parking is likely to be highest in the evening and at weekends, this would do little to mitigate the additional parking arising from the proposal. Furthermore, the Council have advised that HMO residents are not eligible for resident's parking permits and therefore this emphasises the need for adequate off-street parking provision. All of this would exacerbate the existing parking problems through indiscriminate parking to the detriment of the area and result in inconvenience for existing residents.
9. I therefore find that the proposal would not provide suitable arrangements for car and cycle parking and refuse storage. Thus, it would conflict with Policy D11 of the Emerging LP which, amongst other things, seeks to protect residential amenity and ensure extensions and alterations to buildings contribute to the function of an area and are safe and accessible. The proposal would also be contrary to the advice set out in the Council's Highway Design Guide (the HDG) and Draft House Extensions and Alterations Supplementary Planning Document (the House Extensions SPD). The proposal would also conflict with Policy GP4 of the 2005 Draft LP which requires development to make adequate provision for the storage and collection of refuse and recycling. Furthermore, the inadequate parking provision would harm the living conditions of nearby residents and future occupants of the HMO by adding to parking pressures in an area of high parking demand.
10. The proposal would also conflict with policies within the Framework which seek to ensure that parking considerations are integral to the design of schemes,

that a standard of amenity is achieved for existing and future users, and that developments function well and add to the overall quality of an area.

### *Character and appearance*

11. Deramore Drive is part of a suburban residential area on the eastern edge of York and close to the University of York's East Campus. Properties along Deramore Drive are set well back from the highway with large areas of intervening grass verge. Many of the properties have low, or no, front boundaries creating a pleasant open, spacious and verdant character to the area.
12. While the proposal offers no external alterations, the intensification of the HMO is likely to increase the number of parked vehicles at the property, either by way of an additional occupant with their own car or by an increased number of friends and family visiting the additional occupant by car. I have already found the proposed parking arrangements to be inadequate and in conflict with the refuse and cycle storage arrangements. Taken together these factors would increase the number of parked vehicles to the front of the property and, due to the restricted access I have identified, would result in refuse bins and cycles being stored to the front of the property or displaced onto the highway verge. This would clutter the frontage and provide an unattractive appearance that would detract from the overall quality of the street scene. This was evident during my site visit where I observed two cycles stored to the side of the property and two wheeled bins stored to the front of the house.
13. The Council points out that the need to address the shortfall in parking would result in the removal of the front low boundary wall and a subsequent widening of the driveway access. However, there is no such proposal before me and the areas outside the site do not form part of the application. My attention has been drawn to two other cases in the locality where the appellant claims that the Council has approved the widening of driveways in order to accommodate further parking provision. However, I do not have the full details of these cases before me and cannot therefore be sure if they are directly comparable. In any case, I have considered the appeal on its own merits and based on the evidence as presented.
14. The appeal proposal would cause harm to the character and appearance of the area. This would not accord with Policy GP1 of the 2005 Draft LP, Policy D11 of the Emerging LP and the requirements of the Framework which, taken together, seek to ensure high quality design that is sympathetic to local character, functions well and adds to the overall quality of an area.

### **Planning Balance**

15. I have found the appeal proposal would not provide suitable arrangements for car and cycle parking or refuse storage and would be harmful to the character and appearance of the area, in conflict with Draft LP and Emerging LP policies and other local guidance. Although not part of an adopted development plan, I have found these to be generally consistent with the requirements of the Framework which at paragraph 127 seeks to ensure that developments will function well and add to the overall quality of the area. I therefore give some meaningful weight to the conflicts with the local policies and guidance.

16. I recognise that the proposal would offer some limited economic benefits by increasing resident numbers in the area, which would sustain local shops and services. However, the adverse impacts of the proposal would significantly and demonstrably outweigh these benefits when assessed against the Framework as a whole. Consequently, the balance of considerations is against the appeal proposal and it cannot therefore be considered as sustainable development.

**Conclusion**

17. For the reasons I have set out, the appeal is dismissed.

*Jeff Tweddle*

INSPECTOR