
Appeal Decision

Site visit made on 17 March 2020

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 20 March 2020

Appeal Ref: APP/C2741/W/19/3241272

3 Melrosegate, York YO31 1RL

- 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 Mrs Carol Murray against the decision of City of York Council.
 - The application Ref: 19/01181/FUL, dated 20 May 2019, was refused by notice dated 31 October 2019.
 - The development proposed is the change of use from a small HMO to a large HMO from 6 letting rooms to 7. Alteration of the property to convert the garage into an extra room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in the appeal is whether the property would provide sufficient off-street parking and secure cycle storage.

Reasons

3. This property has been operated as a small house in multiple occupation (HMO) for a number of years. Information has been submitted which indicates that the Council would not be minded to challenge the lawfulness for planning purposes of the use for 6 tenants. In numerical terms the change proposed here is modest, an increase of a single letting room.
4. Despite this modest increase it is necessary to ensure that adequate facilities are provided for the higher proposed number of tenants in order to preclude difficulties of, for example, indiscriminate parking or highway safety issues. In this case it is particularly important given the proximity of the premises to a busy signal-controlled junction almost immediately outside the appeal site. I have carefully considered the Appellant's representations in relation to parking provision and secure cycle provision.
5. Dealing with cycle provision first, I note the new shed provided at the side of the property. This is of reasonable size and ought to be able to contain 7 standard cycles provided it is used considerately, or even more if foldable cycles are present. As such I am satisfied that the provision in that respect is adequate if somewhat tight in size.
6. In relation to parking provision I accept that the number of vehicles owned by tenants will vary from year to year, and I do not seek to question the numbers provided in representations. That said it cannot be known in advance how

many tenants will own vehicles in the future. It is therefore right to rely on reasonable requirements set out in planning policy, in order to seek to avoid situations where provision is wholly inadequate. The Council has assessed the requirement here as 4 spaces and given highway conditions locally this seems reasonable to me.

7. Having seen the site I cannot accept that the parking area in front of the property can accommodate more than 2 vehicles. Even then it would be a difficult manoeuvre for those vehicles to operate independently of each other. The plan of parking submitted is beyond optimistic. The size and configuration of the space available is not conducive straightforward use. Added to this is the fact that the provision of parking is rendered of greater importance because of the nearby junction. Being able to enter and leave the premises safely is a heightened requirement in this location. In simple terms I do not accept that there is sufficient on-site parking to satisfactorily cater for a HMO with 7 letting rooms.
8. I realise that there is on street parking available on Heworth Hall Drive, but this is a narrow street and parking spaces are limited by driveway crossings. I have also taken note of the fact that there is a grass verge in front of the appeal site (which shows signs of being used for parking) but this is outside the control of the Appellant and cannot be relied upon.
9. The Development Control Local Plan (DCLP) and draft City of York Local Plan (dLP)¹, taken together, seek to ensure that development provides safe and appropriate access (dLP Policy T1) and provides adequate off-street parking (DCLP Policy H8). These objectives are consistent with the policies set out in the National Planning Policy Framework (NPPF) and therefore carry significant weight. The proposal is in conflict with these policies in that it fails to provide adequate off-street parking and would thereby create a situation with the potential to introduce a significant and unacceptable highway safety hazard.

Other Matters

10. I note that the Council is concerned in relation to the adequacy of waste disposal facilities and impacts on neighbouring residents. Having seen the site it seems to me that there is sufficient space within the curtilage of the property to store refuse bins. This is not a matter which weighs against the proposal. In relation to impacts on neighbours I have little information on the difference a single extra resident would make, hence this is not a determinative matter in the appeal. I note that the property has been granted a licence as a 7-bedroom HMO, but this is a separate matter to the need for planning permission and is not for a precedent for my findings.

Overall Conclusion

11. For the reasons given above I conclude, on balance, that the appeal should be dismissed.

Philip Major

INSPECTOR

¹ Neither document is a formal part of a development plan for planning purposes