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## Appeal Decision

Site visit made on 13 July 2020

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

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

**Decision date: 5 August 2020**

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**Appeal Ref: APP/N4720/W/20/3252049**

**8 Ecclesburn Street, Leeds LS9 9DB**

- 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 P Child of Lettings Complete against the decision of Leeds City Council.
  - The application Ref 19/07601/FU, dated 9 December 2019, was refused by notice dated 28 February 2020.
  - The development proposed is change of use of dwelling (class use C3) to form house of multiple occupation (class use C4); cycle store to rear.
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### Decision

1. The appeal is allowed and planning permission is granted for change of use of dwelling (class use C3) to form house of multiple occupation (class use C4); cycle store to rear at 8 Ecclesburn Street, Leeds LS9 9DB in accordance with the terms of the application, Ref 19/07601/FU, dated 9 December 2019, subject to the conditions set out in the Schedule at the end of this decision.

### Application for Costs

2. An application for costs was made by Mr P Child of Lettings Complete against Leeds City Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The description of the development provided on the planning application form has been replaced by a fuller version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately reflect the proposal and I have therefore used it within this decision.

### Main Issues

4. The main issues in this appeal are the effect of the proposal on:
  - Living conditions of future residents with regards to communal facilities, quality of accommodation and external amenity space; and
  - Living conditions of local residents with regards to noise and disturbance.

### Reasons

*Living Conditions - Future Residents*

5. The provision of outdoor amenity space is an important consideration for a residential dwelling of this size and its use as a House in Multiple Occupation (HMO). I saw that the external amenity space provided by the rear yard is limited even for the extant use. The proposal would reduce this still further through the provision of bin and cycle storage. However, the rear yard would continue to provide a functional amenity area and I saw that there is ample public open space within a short walk of the site. On that basis, the proposal would provide good access to outdoor amenity space.
6. With regards to the provision of facilities within the building, communal facilities including the kitchen and lounge would be provided on the lower floors. Whilst occupants of bedrooms on upper floors would need to use a number of staircases to access these facilities, the nature and length of the access would not be unreasonable. The provision of a shared shower and toilet is also not unusual in dwellings, including HMO's. In any event, only two of the bedrooms would rely on a shared shower/toilet as the remaining bedrooms would be provided with en-suite facilities.
7. Based on the evidence before me the extent of communal amenity space would be proportionate to the number of bedrooms. The living conditions provided by the bedrooms would also be acceptable, including the room sizes which would exceed the minimum requirements referred to by the Council.
8. Drawing the above together, I conclude that the proposal would provide appropriate living conditions for future residents with regards to communal facilities, quality of accommodation and external amenity space. The proposal would therefore not conflict with the amenity, accessibility and accommodation requirements of Policies P10 and H6 of the Core Strategy 2019 (CS) and Policy GP5 of the Unitary Development Plan 2006 (UDP).

#### *Living Conditions - Local Residents*

9. The appeal site is a terraced property within an established residential area and the Council's second reason for refusal refers to noise and disturbance associated with the proposed use as an HMO. However, the number of bedrooms proposed does not differ greatly from that of the original dwelling.
10. I acknowledge that there may be some difference in the form and intensity of occupation of an HMO compared to a family dwelling, with more comings and goings and general activity. However there is no substantive evidence that the effect of the proposal in this regard and within the context of the appeal site would differ to such a degree as to warrant the refusal of planning permission.
11. Consequently, I consider that the proposal would not harm the living conditions of local residents with regard to noise and disturbance and would accord with the amenity requirements of Policies P10 and H6 of the CS and Policy GP5 of the UDP.

#### **Other Matters**

12. Reference has been made to the effect of the proposal on the supply of family housing and the social cohesion of the area. However, based on the evidence before me it has not been demonstrated that the number and concentration of HMO's within this area is of a degree that would lead to an imbalance in particular types of housing or the nature of occupancy.

13. With regards to parking provision, I saw that a number of on-street parking spaces were available in the immediate area of the appeal site. I acknowledge that my site visit took place during the day and that the peak time of demand for parking in this primarily residential area is likely to be in the evening and at weekends. That said, there is no substantive evidence before me of existing problems of parking congestion or that the proposal would lead to parking problems. I also note that the Council's Highways Team do not object to the proposal following amendments to the submitted plans. The evidence also indicates that the site has close links to local centres and the City Centre as well as nearby public transport, which would reduce the reliance of residents on the private car. On the basis of what I have seen and read, the matter of car parking does not weigh against the appeal.
14. Concern has been expressed locally in respect of the design of the cycle store. The yards to the rear of the terrace are of a limited size and have a relatively open aspect. A covered cycle store to the rear may affect the open character and appearance of the area as well as having an overbearing impact on neighbouring residents. However, this matter can be addressed by a condition requiring the approval of a cycle store prior to its construction.
15. Any disturbance which may arise from construction works or alterations associated with the proposal would be for a short period of time and would not warrant the refusal of planning permission. The effects of works on party walls are a civil matter and do not fall within the remit of this planning appeal.

### **Conditions**

16. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
17. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition in respect of alterations to brickwork is required in the interests of character and appearance.
18. A condition requiring the provision and retention of communal areas in the proposal is required in the interests of the living conditions of future residents, although I have amended the wording suggested by the Council to reflect the details on the submitted plans.
19. Details of the provision of a cycle store are required in the interests of sustainable transport as well as the living conditions of future residents of the proposal and nearby residents. Details of a bin store are required in the interests of the living conditions of residents.

### **Conclusion**

20. For the reasons given above I conclude that the appeal should be allowed.

*David Cross*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Location plan Drawing No. 1291-10
  - Proposed floor plans Drawing No. 1291-02 Rev 5
  - Lower ground floor proposed Drawing No. 1291-14
  - Ground floor proposed Drawing No. 1291-15 Rev 5
  - First floor proposed Drawing No. 1291-16 Rev 5
  - Attic proposed Drawing No. 1291-17 Rev 5
  - Proposed elevations Drawing No. 1291-31 Rev 5.
- 3) Materials to be used in alterations to the external surfaces of the building as a result of development hereby permitted shall match those used in the existing building.
- 4) Before the development hereby approved is occupied, details of the provision of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be provided in full prior to the occupation of the development and shall be retained for the lifetime of the development.
- 5) No bedroom shall be occupied until the kitchen (including associated conversion works), the lounge, and store room (including adjacent room) have been fully provided. These rooms shall be retained as such for the life of the development.
- 6) Before the development hereby approved is occupied, details of the provision of cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details which shall be provided in full prior to the occupation of the development and shall be retained for the lifetime of the development.

### **End of Schedule**