
Appeal Decision

Site visit made on 8 June 2021

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2021

Appeal Ref: APP/N4720/W/20/3266131

4 Belvedere Mount, Beeston, Leeds LS11 7ED

- 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 Charles Farnes (Refoveo Properties Ltd) against the decision of Leeds City Council.
 - The application Ref 20/03322/FU, dated 8 June 2020, was refused by notice dated 4 November 2020.
 - The development proposed is 'change of use on a 4-bed mid-terraced house from C3 to C4. Development includes: no additional bedrooms; a new bicycle shelter (4 bikes); an additional shower facility; an additional toilet facility; refurb includes replacing the kitchen, installing fire doors, a re-wire and additional sound proofing'.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use on a 4-bed mid-terraced house from C3 to C4. Development includes: no additional bedrooms; a new bicycle shelter (4 bikes); an additional shower facility; an additional toilet facility; refurb includes replacing the kitchen, installing fire doors, a re-wire and additional sound proofing at 4 Belvedere Mount, Beeston, Leeds LS11 7ED in accordance with the terms of the application 20/03322/ FU dated 8 June 2020 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 Charles Farnes against Leeds City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the loss of a family sized dwelling on the wider need to provide a housing balance within the area, considering in particular the area's character, community cohesion and car parking.

Reasons

4. No 4 Belvedere Mount is a terraced property providing 4 bedroomed accommodation over 3 floors with the addition of a basement utility room and storage area. To the front the property abuts the street frontage and to the rear is a small enclosed yard. The immediate area is predominantly residential and is characterised by dense rows of terraced dwellings.
5. The general approach of Policy SP1 of the Leeds Core Strategy (as amended by the Core Strategy selective review 2019) (Core Strategy) is that development

- should be concentrated in the main urban area taking advantage of existing services, high levels of accessibility and prioritising urban regeneration.
6. The appeal site is located in an area covered by an article 4 direction where change of use for C3 (Dwelling houses) to C4 (Houses in Multiple Occupation (HMOs)) requires planning permission. The intention of the Article 4 direction is to ensure communities within the city remain mixed and balanced.
 7. Policy H6 A) sets out 5 criteria against which applications for new HMOs in an article 4 direction area will be assessed. In relation to criteria (i) and (ii) the parties agree that the proposal would help maintain a sufficient supply of HMOs and that the site is well connected to employment and education destinations.
 8. In terms of criteria (iii) and (v) it is necessary to consider if there is a high concentration of HMOs in the area. The text to Policy H6 seeks to avoid a high concentration of HMOs as these have a recognisably harmful impact upon the character and cohesion of a neighbourhood. However, there is no explanation in the policy of what constitutes a high concentration or over what area a concentration should be assessed. This is therefore a matter of judgement.
 9. The Council officer's report determines that a total of 12.5% of the houses in the surrounding streets are in HMO occupation or in occupation as flats based on council tax records and issued HMO licences. Nevertheless, in its appeal statement the Council sets out that the site is within a selective licensing area. The data related to selective licencing reveals that a number of unauthorised HMOs and flat conversions are not included in the original officer's report. Supporting plans and documents in the Council's statement indicate that a greater number of HMO's and flats exist within streets around the application site and overall, the amount of properties identified as HMO's represents a high concentration. In particular, the Council considers that 5 other properties in relatively close proximity to the appeal site, three of which were identified from the licensing information, represents a cluster of HMOs that amounts to a high concentration.
 10. Although I note the comments of my colleague in the appeal decision at Wickham Street¹ I do not have details of the evidence provided in that case. I do not consider that unauthorised HMOs should be included in the assessment of the concentration of HMOs in the area as the status of unauthorised accommodation may change if powers to regularise such development is exercised. Therefore, I attach only limited weight to the evidence provided from the selective licensing area. It is also not clear from the evidence that the flats counted as HMO's are in fact in HMO occupation. Nevertheless, even if the number of HMOs identified around the appeal site in the Council's statement of case is accurate the majority of properties on Belvedere Mount and adjacent streets remain in residential occupation and the proposal would not result in a high concentration of HMO's in the immediate vicinity of the appeal site.
 11. Therefore, in relation to Policy H6 A)(iii) I am satisfied that the proposed development would not lead to a high concentration of HMOs which would undermine the balance and health of the community of Beeston. Although the appeal property is suitable for family occupation as it is not within an area of existing high concentration of HMOs the development would also accord with H6 A)(v).

¹ APP/N4720/W/18/3212304

12. In relation to criterion (iv) of Policy H6 A) the Council's highway officer is satisfied that the parking requirements for the property would not change as a result of its use as an HMO and at my site visit there was no evidence that the area has inadequate on street parking.
13. I acknowledge that the police identify a higher than average crime rate within Beeston, but this is not identified as being associated with the mix of dwellings within the area. I also acknowledge the Council and third-party concerns that high concentrations of HMOs in an area can affect broader provision of services and facilities and the fear of crime which could impact on community cohesion. Even so, I did not observe any specific effects to the character of the area resulting from the occupation of the existing HMO's closest to the site and no substantive evidence of specific effects have been brought to my attention.
14. Overall, I am satisfied that, in this case, the loss of a family sized dwelling would not have a harmful effect on the wider need to provide a housing balance within the area considering in particular the area's character, community cohesion and car parking. The development would accord with Policy H6 of the Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) and saved Policy GP5 of the Leeds Unitary Development Plan (Review 2006) where it seeks to protect the general amenity of the area. It would also accord with the Framework where it supports strong vibrant and healthy communities providing a sufficient number and range of homes accessible to services and open spaces.

Conditions

15. 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.
16. A condition requiring the provision and retention of communal living areas is necessary to ensure the adequate living conditions of future residents.
17. Details of the provision of a cycle store is required in the interests of sustainable transport and details of bin storage is required in the interests of the living conditions of residents and to protect the character and appearance of the area.
18. I do not consider a condition in respect of making good the exterior of the building to be necessary.

Conclusion

19. For the reasons given above and having regard to the evidence before me, I conclude that the proposals would accord with the development plan. Therefore, the appeal is allowed.

Diane Cragg

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: Block Plan (scale 1:200), current and proposed floor plans (scale 1:50).
- 3) 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. The approved bin storage shall be retained for the lifetime of the development.
- 4) Before the development hereby approved is occupied, details of the provision of a cycle store to accommodate 4 bicycles 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. Thereafter the approved cycle store shall be retained for the lifetime of the development.
- 5) No bedroom shall be occupied until all communal areas shown on the approved plans (kitchen, living room, utility, toilet and bathing facilities) have been provided in full. These communal areas shall be retained, as approved, for the lifetime of the development and shall not be otherwise altered or converted to any other use.