



Appeal Decision

Site visit made on 3 November 2021

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

an Inspector appointed by the Secretary of State

Decision date: 21 January 2022

Appeal Ref: APP/C2741/W/21/3279763

15 Yarburgh Way, York YO10 5HD

- 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 B Cleaver against the decision of the City of York Council.
 - The application Ref 21/00692/FUL, dated 19 March 2021, was refused by notice dated 17 May 2021.
 - The development proposed is described as a 'single storey infill gable and rear extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council, in its formal decision notice, describes the proposal as a 'single storey side/rear extension in connection with use of house as a C4 House in Multiple Occupation'. This description is also set out by the appellant on the appeal form and is inferred within their appeal statement. From the evidence before me, this appears to be a more accurate reflection of what is proposed and therefore I have dealt with the appeal on this basis.
3. The Council's reasons for refusal cite conflict with Policy H8 of the City of York Draft Development Control Local Plan 2005 (the Draft LP). However, this policy relates to proposals for the conversion or change of use from a dwelling to a House in Multiple Occupation, which the Council's Delegated report indicates is not the case in the appeal before me. Therefore, this policy is not relevant in this case and so I will make no further reference to it in my decision.
4. I have previously considered a planning appeal in relation to this property and which raised similar issues to the appeal that is now before me. Nevertheless, the previous appeal scheme was for a different form of development and, therefore, I have determined each appeal on its individual merits and on the basis of the evidence before me.

Main Issue

5. The main issue in this case is the whether the development provides suitable arrangements for parking and the secure storage of cycles and refuse bins.

Reasons

6. The appeal relates to a four bedroomed semi-detached property within the residential suburbs of York. The property is currently in use as a House of Multiple Occupation (HMO), use class C4, and the proposal seeks to enlarge the

property by way of single storey side and rear extensions that would wrap around the property and provide two additional bedrooms. This would increase the capacity of the property to a six bedroomed HMO.

7. Despite the property's existing use as a HMO, it is necessary to ensure that adequate facilities are provided to serve the higher number of tenants that could be accommodated by the proposal in order to preclude, for example, indiscriminate parking, highway safety issues and the unsightly storage of refuse bins or cycles to the front of the property. I have therefore carefully considered the appellant's submission in these regards.
8. Based on the guidance set out in its Highway Design Guide (HDG), the Council consider the proposal to attract a parking requirement of three off-street spaces. Given the local highway conditions and the proposed enlargement of the property, this appears to be a reasonable requirement.
9. The proposal would provide three parking spaces to the front of the property, one at a right angle to the highway, one at a 45 degree angle, and the third set parallel to the highway. Each space would be 2.5 metres in width, which is larger than a standard parking space. However, this would fall substantially short of the 3.6 metre width the Council is seeking to achieve, as set out by the HDG, and therefore there would be insufficient space to facilitate the day-to-day practicalities of loading and unloading shopping, washing, maintenance, etc, that comes with the more intense use generated by residents of a HMO.
10. Compliance with the Council's larger parking space requirements would reduce the off-street parking provision to two spaces, below what is required to serve the proposal. In addition to their limited size, the configuration of the parking layout is not practical, as it would be extremely difficult for vehicles to park in the manner proposed. In particular, the space laid out parallel to the highway would be difficult, if not impossible, to manoeuvre in and out of without crossing the footway or adjacent grassed verge, to the detriment of pedestrian safety. This is of particular concern given the site's proximity to a nearby school, and a parade of local shops, where footfall is increased. Bringing these points together, there is insufficient off-street parking provision to serve a six bedroomed HMO, as is proposed.
11. I accept that there is some limited on-street parking available in the area. However, I observed during my visit that the surrounding streets are already heavily parked, with some vehicles parked over the grass verges. It is likely that these parking pressures would be further exacerbated at peak times of the day owing to the proximity of the nearby school and parade of shops. Accordingly, the inadequate parking provision on the site would likely lead to the displacement of vehicles onto the street, exacerbating existing parking pressures to the frustration and inconvenience of local residents, and thereby harmful to their living conditions.
12. The Council's HDG requires a six bedroomed HMO to provide both covered and secure parking for six cycles. However, the proposal makes no provision for secure cycle storage or parking and therefore the proposal is entirely deficient in this regard.
13. The existing garage provides a facility for the secure storage of cycles and refuse bins. However, the proposal would see the garage replaced by a larger single storey extension to accommodate two bedrooms. In doing so, there

would be no space to the side of the property to allow for the passage of cycles and refuse bins from the rear of the property to its front, in order to access the highway and where refuse collection takes place. This is contrary to the guidance set out in the Council's House Extensions and Alterations Supplementary Planning Document (SPD) which requires a gap of 900mm to facilitate such access. Furthermore, if the proposed parking layout were to be implemented, the passage of pedestrians with wheeled bins or cyclists from the front of the property to the highway along Yarburgh Way would be extremely difficult.

14. To overcome some of these issues, the appellant proposes a new gated access to the rear of the property to provide access to the shared pedestrian/cycle lane along the south side of Hull Road. However, I share the Highway Authority's concerns regarding the steep incline from this new access and the impracticalities this brings in relation to accessibility and drainage. Furthermore, this arrangement would require a separate consent under Highway legislation and given the Highway Authority's concerns, it appears unlikely that such a consent would be forthcoming. It does not therefore offer a realistic solution to the issues identified above.
15. Consequently, it is likely that wheeled refuse bins, recycling boxes and cycles would be stored to the front of the property. Not only is this likely to discourage a sustainable form of transport, but this would also introduce unsightly clutter to the front of the property, impeding the proposed parking layout and harmful to the character and appearance of the area.
16. I am not persuaded by the suggestion that waste could be stored internally within the enlarged kitchen area because the waste produced by six unrelated individuals is likely to be far greater than that of a single household. In any case this does not address the issue of where wheeled bins would be stored.
17. To conclude on this main issue, I find that the proposal would not provide suitable arrangements for parking and the secure storage of cycles and refuse bins. This is contrary to Policies GP1 and GP4 of the Draft LP and also Policy T1 of the City of York Local Plan Publication Draft 2018, and also the guidance set out in both the HDG and SPD. Together, among other things, these policies and planning guidance require development to provide adequate off-street parking provision, make adequate provision for the storage and collection of refuse and recycling, provide suitable access for cyclists including secure and covered cycle storage facilities, and respect or enhance the local environment.
18. Despite these planning documents being in draft form and therefore not being part of a formally adopted development plan, these policy objectives are consistent with policies set out in the National Planning Policy Framework (the Framework), and therefore carry significant weight. Specifically, I find conflict with the policies set out in sections 9 and 12 of the Framework which promote sustainable modes of transport, such as cycling, and seeks to achieve well-designed places that function well and add to the overall quality of an area.

Other Matters

19. The appellant makes much of an alternative scheme to extend the property by exercising their permitted development rights. Whilst I have had sight of the correspondence from the Council in this regard, I note that this is not a formal determination under Section 192 of the Town and Country Planning Act 1990

(as amended). Accordingly, I have very little evidence to suggest that a comparable alternative scheme could be implemented or is indeed a probable prospect in the event that this appeal is dismissed, especially as it would not enable the property to be extended in the same way. This limits the weight that I can attach to it as a fallback position, and therefore it does not provide a compelling ground on which to allow the appeal.

20. I accept that the proposed extensions would be in keeping with the character and appearance of the host property and the surrounding area. The development would also be of an appropriate subservient scale. In these regards the proposal would enjoy a degree of compliance with the guidance set out in the SPD. I am also mindful that the proposal would improve the living space within the property and would be conveniently located with good access to the university campus. However, these matters do not outweigh the harm I have identified in this case.

Conclusion

21. For the reasons given above, I have found the proposal to be contrary to local planning policies and would not accord with the policies of the Framework. Furthermore, no material considerations of sufficient weight have been advanced to outweigh these policy conflicts. Therefore, I conclude that the appeal should not succeed.

J M Tweddle

INSPECTOR