



Appeal Decision

Site visit made on 31 May 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/C2741/W/22/3290213

28 Heworth Village, York YO31 1AF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr Graham Dykes against City of York Council.
 - The application Ref 21/01822/FUL, is dated 28 July 2021.
 - The development proposed is change of use from C3 dwelling house to C4 dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue in this appeal is the level of off-street parking proposed for the development.

Reasons

3. The proposal seeks to convert a semi-detached single-storey property into a House in Multiple Occupation (HMO) with six bedrooms. The application could normally be Permitted Development, but an Article 4 Direction is in place in the area. The site is located within the Heworth/Heworth Green/East Parade/Huntington Road Conservation Area.
4. The Council have stated that there is no objection in principle to the use of the dwelling house as a small HMO, as the property is within the density thresholds for the area, as set out in the Controlling the Concentration of Houses in Multiple Occupation Draft Supplementary Planning Document (2014). The Council have also stated that the proposal would not be harmful to the character and appearance of the Conservation Area.
5. The key concern of the Council is with regard to the level of parking. Appendix E of the Development Control Plan (2005) (the DCP) sets out the requirements for parking for such developments.
6. This document demonstrates that a six bedroomed HMO should provide parking for three vehicles, which it shows as a maximum number, and can be revised downward dependant on the characteristics of the case. Vehicles should be able to enter and exit the parking area independent of one another.
7. As the local highways are predominately marked by single-yellow lines, and it was apparent from my site visit that parking nearby is extremely limited, I consider that the three parking spaces are necessary.

8. The parking layout has been the major bone of contention between the parties, in how it would be achieved. An initial layout was rejected by the Council due to the impact of access to the front door, given the proposal is to be wheelchair friendly.
9. A revised parking layout has been submitted, which appears to show the cars angled to park to the front of the property. These would overhang onto the footpath, affecting pedestrians, whilst the car to be parked on the driveway would affect the access to the user of parking bay 1. This parking arrangement would also cause difficulties for access for cycle users at the property.
10. I find that these arrangements do not meet the requirements set out in the DCP and as such, the proposals are contrary to this guidance, as well as policy H8 of the City of York Publication Draft (2018) which, amongst other matters, expect development to provide adequate on and off-street parking. It also does not meet the design aspirations of the National Planning Policy Framework, with particular reference to paragraph 130.

Other Matters

11. I can understand the frustrations of the appellant in respect of guidance given by the Council, but I have dealt with the appeal on its own merits and identified harm accordingly.
12. I have also noted the comments of the appellant with regard to the provision of wheelchair friendly rooms and facilities, and the supporting information demonstrating an apparent lack of such facilities in the York Council area.
13. However, whilst these aims are laudable, I have been provided with no justification to demonstrate that these rooms are actually needed as part of a wider project, or that they are in conjunction with a scheme supported by a body such as a college or university, or a charity specialising in such operations. Without any mechanism in place, there is no certainty that the rooms would be occupied by disabled users, and this could not be done by condition to ensure compliance.
14. I have noted the list of approved schemes supplied by the appellant where parking has been allowed of a lesser amount than the guidance. I do not have full details of these schemes nor their context and therefore will not comment on their suitability. I have dealt with this appeal on its own merits.
15. Conservation Areas are designated heritage assets as defined by the National Planning Policy Framework (the Framework) and great weight is to be given to their preservation and conservation. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special attention be given to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
16. The appeal site lies within the Heworth Conservation Area but includes no significant alterations to the external elevations of the dwelling. Apart from the conflict with policy, I consider the external impact of the proposal as neutral in terms of its impact of the Conservation Area. As such, I find that the significance of the Conservation Area would be unharmed.

Conclusion

17. The proposal conflicts with the development plan and there are no other considerations that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR