



Appeal Decision

Site visit made on 9 April 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal Ref: APP/N4720/W/24/3337272

15 Athlone Terrace, Armley, Leeds LS12 1UA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Hop Investment Limited against the decision of Leeds City Council.
- The application Ref is 23/06214/FU.
- The development proposed is Change of use from dwelling house (C3) to House in Multiple Occupation (C4); conversion of basement into habitable rooms, including retaining wall with escape ladder, fixed edge protection and escape window.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effects of the proposal on the character of, and the living conditions within, the street and surrounding area, with particular regard to the balance and mix of housing.

Reasons

3. The appeal property is a mid-terrace house on a short terrace comprising of nine properties on each side of the street. It lies in a predominantly residential area including, amongst other things, other rows of terraced houses.
4. The more transient nature of occupiers of HMOs means that occupiers do not contribute to the same community cohesion that permanent residents do. The Council's Officer Report indicates that the boundaries for the Article 4 Direction in place in the area, were chosen to include areas which were either, already suffering from harmful effects from high concentrations of HMOs, or were likely to suffer an encroachment of HMO concentrations due to their proximity to existing areas of high concentrations. The Officer Report goes on to confirm that the area around the appeal site had a significant number of HMOs and flats and there is no substantive evidence before me to demonstrate that this level has significantly changed since the Article 4 Direction was introduced.
5. The Council indicate that of the nine properties on the south side of the terrace, four have been converted into a HMO (Nos 3, 5, 7 and 11). This follows its review of council tax records, HMO licenses and planning history. Moreover, No 13 is being investigated as to whether it is being occupied as a HMO and, if so, whether it is lawful. As such, the Council has not given weight to this property as a potential HMO. However, the appellant also suggests that no weight should be given to Nos 5 or 11 as well.
6. A certificate of lawfulness was withdrawn in 2018 for No 5. However, the absence of a certificate of lawfulness or HMO license does not demonstrate that

a property is not being used lawfully as a HMO in respect of the planning regime. Moreover, it is not the purpose of this appeal to determine the lawful status of other properties. Whilst noting the differences in views, there is no substantive evidence before me in relation to either Nos 5 or 11 for me to dispute the Council's position and give weight to them as HMOs for the purposes of this appeal.

7. Due to the short length of Athlone Terrace, the impacts of even a small number of HMOs in the row can result in an imbalance in the mix of housing. This is underlined by the number and nature of the objections received to the application. Even though I have no evidence that any of the properties on the north side of the street are HMOs, that does not reduce the weight I give to the four properties, especially as there is no firm evidence that the concentrations of HMOs in the wider area have significantly changed.
8. The appeal property is typical of family accommodation at the time of its construction. Moreover, the layout of the property and room sizes remain capable of serving that original function. As such, the existing building contributes to the housing stock as a potential family home within the area.
9. The proposed HMO would incrementally increase the number of HMOs in the area, at the expense of a potential family home. This exacerbates the existing over concentration of such properties and the imbalance in the mix of housing in the area. The Officer Report and objections from local residents highlights some of the conflicts in lifestyles between residents of HMOs and other residents, including from an increased noise and disturbance.
10. The proposal would, in my view, given the number of bedrooms proposed, increase the activity at this property from a C3 use, thereby increasing the risk of noise and disturbance. Such sources could be, for example, from people conversing inside and outside the property, increased comings and goings of occupants and visitors, multiple sources of music and doors frequently closing. These could be readily discernible from the neighbouring dwellings due to the close relationship between the terraced properties.
11. In combination with the existing localised concentration of HMOs within the row, and the nature and number of the representations made by residents within the street, this would likely lead to a discernible conflict between the lifestyles of future occupiers of the proposed HMO and local residents.
12. To conclude, the proposal would have a harmful effect on the character of, and the living conditions within, the street and surrounding area, with particular regard to the balance and mix of housing. As such, I find conflict with the requirements of Policies H6 and P10 of the CS, Policy GP5 of the Leeds Unitary Development Plan and the provisions of the National Planning Policy Framework, when taken together and in so far as they relate to these matters. These, amongst other things, support strong, vibrant and healthy communities, and the need to avoid detrimental impacts of a high concentration of HMO's where the balance and health of communities would be harmed.
13. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh this conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR