



Appeal Decision

Site visit made on 11 March 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 28th April 2025

Appeal Ref: APP/C2741/W/24/3356835

302 Burton Stone Lane, York YO30 6HA

- 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 Mr Jason Moore of Moore's Property Solutions Limited, against the decision of City of York Council.
 - The application ref is 24/01033/FUL.
 - The development proposed is change of use from C3 to flexible C3 to C4.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged the National Planning Policy Framework (the Framework) has been updated. I am satisfied there are no changes of any consequence for the main issue in this appeal.
3. Furthermore, since the Council determined the application the City of York Local Plan, February 2025, (the Local Plan) has been adopted. I have therefore determined the appeal based on the current applicable policies in the Local Plan insofar as they are relevant.

Main Issue

4. The effect of the proposed development on:
 - the living conditions of the future occupants of the property, with regard to vehicle parking and refuse and cycle storage.

Reasons

5. Burton Stone Road and the surrounding area consist of, predominantly, two-storey terraced dwellings and has a suburban residential character. Dwellings are separated from the road by modest front gardens, a footway and verge. Dwellings are predominantly arranged in terraced blocks of 4 properties with a consistent, repeated pattern that is reinforced by evenly spaced, mature tree planting within roadside verges. Access to the rear of mid-terraced properties is via a shared passage. The appeal property, No 302, is a two-storey, mid-terrace dwelling that conforms with this pattern of development.
6. The area is covered by an Article 4 Direction which removes permitted development rights for the conversion of a residential dwelling (Use Class C3) into a small house of multiple occupancy (HMO) (Use Class C4). The removal of permitted development

rights does not suggest that all HMOs are inappropriate, only that proposals should be assessed against the development plan and other material considerations.

7. The proposed development comprises the flexible change of use from a single dwelling to an HMO providing 4 independent living spaces (Use Class C4) or to remain as a single dwelling (Use Class C3). The principle of the proposed development has been tested against identified thresholds for the density of HMOs at both street and neighbourhood levels as described in the Council's Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document, 2014 (SPD). The proposed change of use falls within acceptable thresholds.
8. The Council have indicated that, based on the plans provided, they are satisfied with the principle of the change of use, with regard to the proposed internal arrangements of the property, and I have no reason to take a different view on this matter. As such, my assessment of this appeal focusses on the external arrangements of the proposed development.

Living Conditions

9. There are 2 related parts to the main issue:
 - the provision of adequate vehicle parking, and
 - the provision of and access to adequate refuse and recycling storage and secure storage for cycles.

For the purposes of clarity and certainty I will address each part in turn.

Vehicle parking

10. The appeal proposal would allow for the conversion of the existing dwelling into 4 independent living spaces. As such, there is potential for increased vehicle parking at the property that, according to the development plan, should be integrated within the development. The development plan policies, including the SPD, do not specify a minimum provision of vehicle parking for small HMOs. However, from the evidence before me 2 on-site parking spaces, as shown on the application plans, would be adequate provision. As such, the matter in question is the ability to manoeuvre and park 2 vehicles independently, with sufficient space around them for activities such as maintenance, loading and unloading, while maintaining access to both the front and rear entrances to the house.
11. The appeal property currently has a paved area to the front garden that provides parking space for 1 vehicle. The remainder of the garden is unpaved. The proposal retains the existing crossover and access across the footway. This arrangement prevents any potential negative effects on the mature tree in the roadside verge to the front of the property and allows for safe vehicle movement into and out of the property from the street. The removal of a substantial section of the front boundary hedge would widen the access arrangement and allow for a second vehicle to manoeuvre independently into the front garden.
12. During my visit a vehicle was parked on the paved area to the front of the property. I observed that, while the vehicle did not obstruct the front entrance door to the house, only one side of the vehicle could be adequately accessed. By comparison, I was able to ascertain that, should a vehicle be parked as shown on the plans before me, allowing access to all sides of the vehicle and providing sufficient manoeuvring space for a second vehicle to park, the front door to the house would not be adequately accessible.

13. The second parking space identified on the plans would allow for a vehicle to be parked independently and would provide adequate space around the vehicle. Although the location of the shared entrance passage to the rear garden is not shown on the plans, I observed that the entrance passage would not be obstructed by a vehicle parked as shown. However, the space between the projecting bay window to the front of the property and a vehicle parked in this location would be restricted. In addition, the space between parked vehicles would also be limited.
14. Therefore, based on the plans before me and my observations, I find that while 2 cars could be independently accommodated within the front garden of the appeal property, access to both the front and rear of the house would be compromised. As such, the parking arrangements would constrain movement within and through the front garden and result in inadequate living conditions for future occupants of the dwelling.

Refuse and recycling, and cycle storage

15. The rear garden of the appeal property is accessed via a passage shared with the neighbouring property, No 304. Based on the plans before me there is adequate space to the rear of the property for both the storage of refuse and recycling bins, even allowing for an increase in the number of bins resulting from multiple occupancy, and cycles. However, access to the passage leading to the rear garden area, when moving bins and cycles, would be significantly restricted with 2 vehicles parked to the front of the property as described above. As such, the proposal does not make adequate provision for refuse and recycling storage or the secure storage of cycles that would not lead to a detrimental effect on the living conditions of future occupants of the house. Furthermore, the proposed secure cycle storage would also be inadequate.
16. Taking the above into account, I conclude that the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property resulting from inadequate access to the house and refuse and recycling storage and cycle storage. Accordingly, I conclude that the proposed change of use would conflict with Policies D1, H8 and T1 of the City of York Local Plan, February 2025. These policies, among other things, require development to integrate car parking and servicing within the development, provide sufficient convenient, secure and covered cycle storage, and provide accommodation of a high standard that would not result in harm to residential amenity.

Other Matters

17. I note that the appellant is aggrieved that the Council refused the application having offered positive responses during pre-application discussions. However, I must consider the appeal based on the evidence before me, insofar as it is relevant to the details of the development proposed, and in accordance with the development plan.

Planning Balance

18. Given my findings above, the proposed development would result in harm to the living conditions of future occupants of the dwelling due to inadequate space provision and storage of refuse and recycle bins and cycles. In these regards the proposal would conflict with the development plan taken as a whole.
19. The appeal property is located on a bus route and close to bus stops on both sides of the road providing access to, among other places, the city centre and that local facilities are present within a short distance of the appeal property. I have therefore taken into account the appellant's argument that the property is in a sustainable

location that may discourage car-dependent travel reducing the need for vehicle parking.

20. However, as described above, and with regard to the development plan as a whole, on balance the benefits of a single house in multiple occupancy would be limited and would not outweigh the harm identified.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

C Mayes

INSPECTOR