



Appeal Decision

Site visit made on 22 April 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/X4725/W/25/3359187

Newgate House, Newgate, Pontefract WF8 1NB

- 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 Ersilan Hussain against the decision of Wakefield Metropolitan District Council.
 - The application Ref is 24/01132/FUL.
 - The development proposed is House in Multiple Occupation
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode was missing from the application form. Therefore, I have taken this from the appeal form.
3. The Council amended the description of development from the application form. It is not clear the appellant agreed to this change. Therefore, I have used the appellants description but have replaced the abbreviation in the interests of completeness.
4. The application form indicates there would be 21 bedrooms proposed. I have determined the appeal on the basis of the floor plans dated July 24. These show 11 proposed bedrooms at ground floor and 12 at first floor, which includes a bedroom with its own lounge.

Main Issues

5. The main issues in determining this appeal are:
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to internal living space;
 - the effect of the development on the living conditions of the occupants of neighbouring properties, with particular regard to general disturbance; and
 - highway safety, having regard to parking.

Reasons

Living conditions – future occupiers

6. The appeal property, Newgate House, is a substantial two storey, detached building originally constructed as a Labour Exchange and last used as office accommodation but is now stood vacant. The appeal proposal for the change of use to a House in Multiple Occupation (HMO), seeks to provide en-suite bedrooms over two floors with occupants sharing communal kitchens, dining and lounge facilities on each floor.
7. The Council has adopted guidance on HMO which is contained in a document entitled 'Houses in Multiple Occupation: Wakefield Council's Adopted Standards 2018' (Adopted Standards). This guidance is used to inform licensing applications, and whilst it is not a supplementary planning document, it is nevertheless material to my considerations.
8. The Adopted Standards set out minimum room sizes for shared houses. For up to 5 persons, it guides that kitchens and dining kitchens should be 8m² and 15m² respectively, with an additional 1.5m² per person for occupancies between 6 and 10 persons. Likewise, living space should be a minimum of 11m² with an additional 2m² per person for occupations between 6 and 10 persons.
9. The Council assert that at ground floor, the kitchen offers 9.8m² of floor space whereas the combined dining/living area provides for 28m². At first floor they state the kitchen/diner provides for 22m² and the lounge offers 17m² of floor space. These figures have not been disputed by the appellant. Based on the number of bedrooms and their sizes, the Council also contend that there could be up to 40 occupants, given that some bedrooms meet the size for double occupancy.
10. Even based on single occupancy of the bedrooms, the ground floor kitchen should provide for 17m², whilst the dining/living area should be around 23m². Likewise at first floor the kitchen/diner should offer 25.5m² and the lounge 23m², taking account that one of the bedrooms has its own lounge. When compared to the Adopted Standards, the proposal represents shortfalls for communal living space across both floors, particularly in the kitchen at ground floor. The situation would be worsened if the double bedrooms are occupied by two persons.
11. More importantly, it is clear that on both floors, the number of occupants would exceed the maximum 10 persons that the Adopted Standards state can share a communal room. Given its high relevance to this appeal, I attribute it significant weight.
12. The lack of appropriate communal space would mean that occupants would experience a poor standard of living, with inadequate cooking facilities, an inability to sit down to dine and limited opportunity to relax at the same time as other residents. I find that owing to the likely number of residents, which would be at least 23, the shared facilities by virtue of the small size and quantum would be grossly inadequate to adequately serve the proposed occupants.
13. This would run counter to the objectives of Paragraph 135 of the National Planning Policy Framework (the Framework) which, amongst other things, seeks to create places that are inclusive and which promote health and well-being, with a high standard of amenity for existing and future users.

14. I therefore find that the appeal scheme would not provide acceptable living conditions for future occupiers, with particular regard to the internal living space. This conflicts with Policy LP56 of the Wakefield District Local Plan 2036 (2024) (Local Plan) which amongst other things, expects new development to have no significant detrimental impact on the amenity of prospective users.

Living conditions – neighbouring properties

15. The site lies in an area comprising a variety of uses, including residential dwellings, with those on Newgate and The Mount opposite being the closest dwellings to the appeal site. The layout plans show that Newgate House has its main entrance door facing towards Newgate and The Mount, with a secondary fire escape door located to its side, facing towards the grassed verge embankment and pedestrian footbridge crossing the adjacent highway.
16. The Council's concerns relate to the intensity of the use and general disturbance from the comings and goings from occupants on foot. Noting the scale and nature of the proposed use, it is reasonable to assume that occupants would each have different routines, with their comings and goings taking place at different times of the day and night.
17. With the main entrance directly opposite existing residential properties, there is a strong likelihood that there would be a high concentration of pedestrian movements in a position that would cause disturbance to the neighbourhood. These movements would represent opportunities for congregation outside of the entrance as residents pass and interact. This is particularly so, given the inadequate internal space to allow residents to socialise and the inadequate internal cooking facilities which is likely to necessitate the need for occupants to go out more to meet their basic needs.
18. Management of the HMO, such as the monitoring of doors by CCTV and daily inspections by consultants would not reasonably mitigate against this risk.
19. In support of the appeal, the appellant makes the case that the building was formerly occupied as offices with over 30 personnel and clients attending meetings by car throughout the day. However, an office use has a completely different nature as they tend to operate during sociable, daytime hours compared to a HMO which would be occupied around the clock. Therefore, the impacts are incomparable and do not alter my view on the harm the proposal would cause to the living conditions of the occupants of neighbouring properties.
20. I therefore conclude that the proposal would unacceptably harm the living conditions of the occupants of neighbouring properties, with particular regard to general disturbance. It follows that I am not satisfied that the scheme accords with Policy LP56 of the Local Plan which amongst other things, expects development to have no significant detrimental impact on the amenity of neighbouring residents.

Highway safety and parking

21. Policy LP27 of the Local Plan requires demonstration that developments can be accessed conveniently and safely. Amongst other things, it requires development to provide a level of parking provision appropriate to the proposal and its location (applying the agreed maximum standards set out in current guidance), ensuring that such provision is located in safe and accessible locations. The Street Design

Guide: Supplementary Planning Document 2012 (SPD) sets out that parking standards for a HMO should provide 0.5 spaces per bedroom.

22. The plans forming this appeal do not explicitly show the provision of any on-site parking. However, I observed during my site visit that on-site parking is available within the appeal site for 10 vehicles. The appellant asserts that the existing parking, 10 spaces according to the application form, would be unaffected by their development.
23. Whilst access to the parking spaces would be possible, not all spaces, particularly those to the north of the building, represent convenient parking due to the limited manoeuvring space available, and with cars likely to block one another in. The availability of parking for residents is therefore likely to be lower than the 10 existing spaces.
24. Nevertheless, whilst the parking provision would be below the SPD expectations, these are maximum standards. I am also mindful that this is guidance, not policy, such that the weight I attach to it is moderate. Moreover, the appeal site has good pedestrian links with the town centre where there are community facilities, services, public transport links and employment opportunities. Consequently, the site is in a highly sustainable location where future occupiers would be within an easy walk of services and facilities and more likely to attract non-car users.
25. Additionally, future residents would be aware of the limited parking provision before choosing to take occupancy. In any event, I observed a public car park close to the appeal site which could provide parking for residents if required. Overall, I consider that the parking arrangements would be adequate to serve the proposed development and these matters attract significant weight in my view, outweighing any conflict with the SPD.
26. Therefore, I am not persuaded that the development would result in a displacement of cars parking on the roadside.
27. I therefore conclude that the proposed development would not result in unacceptable highway safety harm having regard to parking. In this regard I do not find conflict with Policies LP27 or LP56 of the Local Plan, which together seek to ensure that development proposals can be accessed conveniently and safely and by modes of transport other than the car. Further they require proposals to prioritise access arrangements and facilities for pedestrians and cyclists over vehicles.

Other Matters

28. As the appeal site is located within a Conservation Area (CA), I have been mindful of the statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservations) Act 1990 that requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. However, the proposal does not involve any external physical alterations or development. Accordingly, I find that the character and appearance of the CA would be preserved in this instance.
29. The appeal scheme would add to the choice of housing stock available for residents of Wakefield, which is a benefit that weighs in its favour, along with its highly sustainable location. However, this would be at the expense of the living

conditions of both future and existing residents, which outweigh the benefits in this case.

Conclusion

30. Notwithstanding the lack of harm identified in respect of parking and highway safety, I find significant adverse effects in respect of both future occupiers and existing neighbouring residents. Therefore, for the above reasons, having had regard to the development plan as a whole, the Framework and all other matters raised, the appeal fails.

C Walker

INSPECTOR