



Appeal Decision

Site visit made on 21 May 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 June 2025

Appeal Ref: APP/A2335/W/25/3360080

2 Allandale Gardens, Lancaster LA1 5JN

- 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 Glyn Redgrave (LA1 Properties Ltd) against the decision of Lancaster City Council.
 - The application Ref is 24/01104/FUL.
 - The development proposed is the change of use of dwellinghouse (C3) to a 3 bedroom house in multiple occupation (HMO)(C4) and retrospective internal alterations including conversion of existing garage into ancillary living accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a Flood Risk Assessment with the appeal which the Council considers addresses reason for refusal four on the decision notice. I find no reason to disagree and therefore I have confined my consideration of the appeal to the remaining reasons for refusal.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would be suitably located having regard to relevant development plan policies concerning the concentration of houses in multiple occupation (HMOs) in the locality;
 - (ii) The effect of the proposal on highway safety, with particular reference to parking; and
 - (iii) The effect of the proposed external works on the character and appearance of the area.

Reasons

HMO

4. Policy DM13 of the Development Management Development Plan Document (climate emergency review) 2025 (DMDPD) sets out that a proposal which would lead to a concentration of more than 10% of the total housing stock being classed as HMOs within a 100 metre radius will not be considered acceptable. The reason for refusal refers to a current concentration of 18.18% but having reviewed this figure the Council now considers that the correct concentration is 12.43%. The list

of properties already in use as an HMO includes the appeal property and it is not clear if this is in error or because the property is actually already in this use. But either way, if the appeal were to be allowed, the figure would remain at 12.43%.

5. The appellant raises concerns as to whether there can be confidence placed in the Council's revised figure, given that their initial figure was incorrect. They dispute the number of existing HMOs present within the 100m radius, in particular in Allandale Gardens. This matter is further complicated by the fact that smaller HMOs do not need to be licensed and because the Council draws its information from a number of sources including council tax records which they state cannot be disclosed for confidentiality reasons. In that context the appellant's concern is understandable, however there is no substantive evidence before me to suggest that the Council is basing its defence of this appeal on an incorrect figure.
6. Policy DM13 of the DMDPD seeks to maintain an appropriate housing mix and to safeguard the character of residential areas, which are identified as important priorities. The Residential Conversions and Housing in Multiple Occupation Supplementary Planning Document 2020 (SPD) expands on specific concerns, including seasonal depopulation, divisions between social groups and lack of interaction, turnover of occupants, poor upkeep and an impact on the affordability of rented houses for families. The appeal property falls within an Article 4 Direction area which removes permitted development rights for the change of use to an HMO, this being a method of regulation specifically referenced in Policy DM13.
7. There is, therefore, a clear local planning policy framework in place with respect to HMOs, with the adopted local plan directly referring to this matter. On the basis of the information that I have before me, the proposal would fail to accord with Policy DM13 of the DMDPD and the SPD. Permitting the appeal property to become an HMO would undermine the aims of the development plan, in terms of ensuring that an appropriate housing mix is provided and that the character of residential areas is safeguarded. The proposal therefore also fails to accord with Policies DM1 and DM19 of the DMDPD and Policy SP9 of the of the Strategic Policies and Land Allocations Development Plan Document (climate emergency review) 2025 where, taken together, they seek to promote balanced communities.

Parking

8. At the time of my site visit there were two cars parked on the frontage of the appeal dwelling. The space outside the existing garage door is clearly of a dimension that can accommodate cars of various lengths. The other space however had a small car parked on it, with its front bumper close to the kerb edge. Based on this visual observation, I am not convinced that a longer vehicle would be able to park in this location in a way which would allow for it to be accommodated entirely within the appeal site. This arrangement may impede movements of vehicles leaving the dwelling opposite at 4 Allandale Gardens if a longer vehicle is present. On this basis, it is reasonable to consider that only one parking space could be provided.
9. The Highway Authority considers that the study shown on the plans submitted could be used as a fourth bedroom, and that a dwelling of such size should provide a maximum of three parking spaces. However, that number of bedrooms is not what has been applied for and there is potential that this could be controlled by way of a planning condition. The appeal property is located within a main urban

area where transport options other than private motor vehicle are available to access services and facilities. I am not persuaded that in that context the use as a 3 bedroom HMO would place additional parking demands on the area as compared to a 3 bedroom C3 dwellinghouse. Whilst there would be a difference in that there would no longer be access to a garage, it would appear that the dimensions of the existing garage fall below those which are considered by Policy DM62 of the DMDPD to be of a sufficient size to be genuinely used by a car.

10. In conclusion, the proposal would accord with the aims of Policies DM29 and DM62 of the DMDPD, where taken together they seek to safeguard highway safety. There would also be no conflict with the aims of the Householder Design Guide 2014 (HDG) in the same respect.

Character and appearance

11. The presence of garage doors on the front elevations of the dwellings facing Allandale Gardens is a consistent character of the street scene. However, as these are recessed behind the main front wall of the dwellings, they are a less prominent feature. Furthermore, the appeal property stands alone on a plot at the entrance to the estate. Its positioning and design mean that its garage door is only readily visible when stood directly in front of it. In such circumstances, the replacement of the garage door with a window on this particular dwelling would not be overly perceptible in the street scene and thus would not result in any harm to its character and appearance.
12. The frontage of the dwelling is completely hard surfaced, and the appellant refers to this arrangement having been in place for some time. Indeed, there seems to be no obvious difference in the type and condition of the block paving across the entire frontage and on the section of shared access road. But in any event, there is only very limited greenery on the frontages of dwellings on Allandale Gardens, limited mainly to thin strips of grass between parking areas. The street scene is instead dominated by frontage parking spaces, and in that context the current arrangement at the appeal property is in keeping with its surroundings. There is not any harm to character and appearance from this either.
13. For these reasons, there would be no conflict with Policy DM29 of the DMDPD, where it seeks to safeguard character and appearance, or with the aims of the HDG.

Other Matters

14. The proposal would provide accommodation of suitable internal dimensions in a sustainable location, offering cycle storage provision and good access to public transport. Although the appellant refers to it making a small but meaningful contribution to housing stock and to boosting the supply of homes, there is not a significant increase in habitable residential floorspace. These benefits would be minimal when considered against the use of the property as a C3 dwellinghouse and they collectively carry only limited weight in support of the appeal proposal.

Planning Balance and Conclusion

15. Although I find no harm to highway safety and to the character and appearance of the area, the proposal would fail to accord with the development plan taken as a whole in terms of the concentration of HMOs in the area. The benefits that would

arise do not outweigh the harm that would result in that respect. Therefore, I conclude that the appeal should be dismissed.

Graham Wright

INSPECTOR