



Appeal Decision

Site visit made on 23 July 2025

By F Wilkinson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/V2004/W/25/3366230

3 Alexandra Avenue, Alexandra Road, Kingston Upon Hull HU5 2PF

- 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 Coupland of Libra Spaces against the decision of Hull City Council.
 - The application reference is 24/00854/FULL.
 - The development proposed is change of use from 3 bed (C3) dwelling house to 3 bed (C4) HMO.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from 3 bed (C3) dwelling house to 3 bed (C4) HMO at 3 Alexandra Avenue, Alexandra Road, Kingston Upon Hull, HU5 2PF in accordance with the terms of the application, reference 24/00854/FULL, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effects of the proposal on the character and appearance of the area and the living conditions of nearby residents with regard to noise, disturbance and parking provision.

Reasons

3. The appeal site is a two storey mid terraced property located on a cul de sac within a mainly residential area. A planning application was required for the change of use of the appeal property from a C3 dwelling to a C4 house in multiple occupation (HMO) due to an Article 4 Direction covering the area which has removed permitted development rights for such changes of use.
4. Policy 7 of the 2017 adopted Hull Local Plan 2016 to 2023 (the LP) sets out the requirements for HMOs. Part 4 of the policy does not allow for further small HMOs where an Article 4 Direction exists in streets where the concentration of HMOs and flats exceeds 50%. Based on the submitted evidence, the concentration of this type of accommodation on Alexandra Avenue in isolation and in combination with Thearne Close, which shares an access and parking areas, would not exceed 50% with the proposed development. This would also be the case when considering the wider area where the presence of HMOs and flats would remain well below 50%. The proposed development is not therefore precluded by part 4 of Policy 7.
5. While the next-door property at no. 2 is an HMO, the Council's evidence identifies that the remaining properties in the terrace are in single household use. The proposal would therefore accord with the guidance in the Council's Houses in Multiple Occupation (HMOs) Supplementary Planning Document (2022). This

advises that an application for an HMO is unlikely to be supported if it would result in a family dwelling being 'sandwiched' by HMOs on both sides or would result in three or more adjacent dwellings in use as HMOs.

6. Part 2 of LP Policy 7 requires a consideration of whether the concentration of similar uses would adversely affect the character of the area or residential amenity including through noise and disturbance or the creation of parking problems.
7. The three bedrooms proposed would be single occupancy and so the HMO would be occupied by up to three tenants. I acknowledge that HMO occupation can be different to family occupation. It is generally more transient, with a different nature and pattern of activity. However, the noise and disturbance from three unrelated adults' comings and goings would not be significantly different to that of a family occupying the property where there would potentially be journeys to work, school and social events. Other potential forms of noise and disturbance such as the playing of music or social activities in the property or outdoor amenity area would not be any more likely to cause harm to neighbouring residents than would be the case with a single household engaging in similar activities.
8. During my site visit, I observed that many of the properties in the area had refuse bins to the front. I saw no evidence around the appeal property or the general area, including the HMO at no. 2, to indicate that there were issues of over-spilling bins or inconsiderate waste disposal. I have not been directed to any recent justified complaints to the Council's waste collection, enforcement or environmental health teams regarding litter or anti-social behaviour.
9. The appellant proposes that the storage of refuse and recycling bins would be to the rear of the appeal property. Subject to the imposition of a condition requiring details of refuse storage, I am satisfied that there would be no harmful effect on residents of neighbouring properties or the wider area due to a lack of suitable provision for refuse storage. In addition, no substantive evidence has been presented to demonstrate that the proposal would increase the risk of anti-social behaviour.
10. Policy 32 of the LP sets out the requirements for parking provision. The Council identifies that a two- or three-bedroom dwelling would require two parking spaces, as would a three-bedroom HMO. The policy allows for some flexibility in the number of parking spaces in certain circumstances, to take account of the accessibility of the development; the type, mix and use of development; the availability of public transport; local car ownership levels and the need to reduce the use of high-emission vehicles.
11. There is no provision for on-site parking at the appeal property, which is consistent with many dwellings on Alexandra Avenue, Thearne Close and the terraces on other streets in the vicinity. An area in front of the properties on Alexandra Avenue is used for vehicle parking. There is unrestricted on-street parking on Thearne Close and on one side of Alexandra Road for much of its length near to the site. Nearby Hardy Street, which is also off Alexandra Road, has double yellow lines at its junction with this road but is otherwise predominantly unrestricted.
12. During my site visit, I observed that on-street parking was well used along Alexandra Road and Hardy Street. However, there was capacity on both as well as the parking area in front of the properties on Alexandra Avenue. While my site visit was just a snapshot in time, there is no clear evidence to suggest that it was not

representative of the general parking situation, having regard to the information submitted by the appellant and the view of the Highway Authority. Consequently, while there is demand for on-street parking within the vicinity of the appeal property, there is little substantive evidence to demonstrate that the existing on-street parking situation has reached saturation point.

13. The appeal property is within a reasonable walking distance of bus stops and the range of services and facilities on Newland Avenue and Beverley Road. Access would be along relatively level pavements with street lighting. Provision for cycle storage is included within the proposal. Future occupiers would therefore not necessarily have to rely on a private motor vehicle for day-to-day requirements.
14. On this basis, I am satisfied that any vehicle parking demand associated with the proposal would not have an unacceptable adverse effect on the surrounding area due to, for example, inconvenience caused to residents through a lack of availability of on-street parking capacity, or noise and disturbance.
15. I therefore conclude that the proposal would not result in a meaningful change to the housing mix of the area to the detriment of the character and appearance of the area or the living conditions of nearby residents with regard to noise, disturbance and parking provision. Consequently, it would accord with the requirements of Policies 7 and 32 of the LP as summarised above.

Conditions

16. I have considered the conditions suggested by the Council, having regard to the tests set out in the National Planning Policy Framework, and have amended the wording of certain conditions in that light (without altering their fundamental aims).
17. In the interests of certainty, the relevant conditions concerning the commencement of development and the approved plans are necessary. In the interests of the character and appearance of the area, details of refuse storage are necessary. To support sustainable transport objectives, a condition for details of cycle storage is necessary. To safeguard the safety of future occupiers, it is necessary to require the implementation of the identified flood risk mitigation measures. It is necessary to restrict the number of occupiers in the HMO to ensure a suitable quality of accommodation for its occupiers and to safeguard the living conditions of neighbouring residents. I am satisfied that addressing the required details prior to the first occupation of the development hereby permitted is reasonable.
18. I have not imposed the Council's suggested condition to secure an alternative entrance to the ground floor bedroom as I see no reason why this would be necessary to make the development acceptable.

Conclusion

19. For the reasons given above the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: location plan; plans as existing and proposed - HU-0163 rev A.
- 3) Prior to the first occupation of the development hereby permitted, provision shall be made for the storage of refuse in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The storage of refuse shall thereafter be retained in accordance with the approved scheme.
- 4) Prior to the first occupation of the development hereby permitted, secure cycle storage facilities shall be provided in accordance with a scheme which shall have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be retained in accordance with the approved scheme.
- 5) The development hereby permitted shall only be carried out in accordance with the Flood Risk Assessment (FRA) by Roy Lobley Consulting, reference RLC/1645/FRA01 dated 28/08/2024 and the following mitigation measures identified in section 5 of the FRA:
 - a. the identification and provision of a place of safety above 4m AOD and a flood response plan for each unit of accommodation;
 - b. finished floor levels shall be set no lower than the existing finished floor level of 1.95m AOD;
 - c. ground floor external doors shall be water resistant to a depth of 0.6m above finished floor level (that is, to 2.55m AOD);
 - d. the incorporation of the other flood resilience measures identified in section 5 of the FRA to a level of 0.3m above the passive flood proofing measures (that is to 2.85m AOD).

The mitigation measures shall be implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

- 6) The maximum number of occupants permitted within the development hereby permitted is three.