



Appeal Decision

Site visit made on 16 July 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 31st July 2025

Appeal Ref: APP/V2004/W/25/3361440

26 Kings Bench Street, Kingston upon Hull HU3 2TU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for [outline] planning permission
 - The appeal is made by Platform Properties Hull Ltd against Kingston-Upon-Hull City Council.
 - The application Ref is 24/00841/FULL.
 - The development proposed is described as: 'change of use of building from two self contained apartments (Use Class C3) to two self contained apartments (Use Class C3) or serviced apartments (Use Class C1) (Flexible Consent)'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building from two self contained apartments (Use Class C3) to two self contained apartments (Use Class C3) or serviced apartments (Use Class C1) (Flexible Consent) at 26 Kings Bench Street, Hull, HU3 2TU in accordance with the terms of the application, Ref 24/00841/FULL, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is against the Council's failure to reach a decision within the relevant statutory timeframe. However, the Council's appeal statement makes clear that had it been in a position to do so, it would have refused permission for the proposed change of use.
3. The Council has no objections to the use of the building as self contained apartments and both parties have referred to a recent certificate of lawful use granted at the appeal site for use as C3 apartments. This has informed my main issue below.

Main Issue

4. The main issue is therefore the effect of the use as serviced apartments (Use Class C1) on the living conditions of the occupiers of neighbouring properties.

Reasons

5. The appeal site is located within a residential area located off Anlaby Road which leads into the city centre. The area comprises of streets of predominantly terraced housing. Properties are typically set back a small distance from the pavement edge behind narrow yards with larger gardens to the rear. As properties do not have any private parking, this takes place on the street. Kings Bench Street is not a

particularly busy road, nonetheless, I saw on the site visit that there was a reasonably steady flow of vehicles and pedestrians along the road and pavement.

6. 26 Kings Bench Street is a former mid-terraced two storey dwelling that has been converted to separate ground floor and first floor apartments. The appellant sets out that the proposed serviced apartments would provide temporary accommodation for contract workers, tourists and professionals and that there is an increase in demand for serviced accommodation across Hull. The Council argues that a C1 use is likely to result in short stays, similar in nature to those at guest houses. I acknowledge that the proposed use is likely to result in a more transient occupation of the apartments, where occupants may only be present at weekends. However, I am not convinced that, in isolation, the effect of different occupants each weekend would result in any noticeable disruption to the social operation of the street as a whole.
7. In my experience, C1 uses such as guest houses and serviced accommodation are frequently located within residential areas and can often be successfully accommodated within such locations without harm to the residential area or living accommodation of local residents. In that regard, I am not directed to any concerns with regard to a prevalence or particular concentration of such uses in this location which could have the effect of changing the character of an area and likely have greater cumulative effect on the living conditions of permanent residents.
8. Whilst I appreciate that the nature of comings and goings arising as a result of the proposed use would likely be different to that of the existing C3 use, I do not consider that there would likely be a significant increase, overall, in movements to and from the apartments. Indeed, I am mindful that those staying temporarily are unlikely to leave and return to attend work or school during the week. Any cleaning of the accommodation would be unlikely to take place outside of normal working hours. Furthermore, whilst visitors would first arrive and leave with luggage, the unloading of which could lead to some noise, I see no reason why this would take place at more sensitive times such as late night or in the early morning.
9. Visitors may attend social or cultural events which could lead to a late night return to the property. However, mindful of the proximity of the street to the city centre, those resident in permanently occupied dwellings may also return home late at night, particularly at weekends. Furthermore, any disturbance would be limited by the small size of the apartments which would likely restrict their use to just two people. As such, I am not convinced that the proposed change of use would result in a significant increase in noise and disturbance over and above what is currently experienced in this location.
10. For the above reasons I therefore conclude that the proposal would preserve the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. There would therefore be compliance with Policy 14 of the Hull Local Plan (2017) (the HDP) which seeks to promote high quality design, including with respect to living conditions.

Conditions

11. I have considered the conditions suggested by the Council in the light of the tests and advice within the National Planning Policy Framework (the Framework) and the Planning Practice Guidance. Conditions are necessary in respect of commencement time and relating the development to the submitted plans. A

condition requiring the provision of cycle storage following submission of details is required in order to encourage cycling in accordance with Policies 25 and 36 of the HDP. A condition requiring details of the provision of refuse storage is necessary in order to ensure that the new proposal would preserve the visual amenity of the area in accordance with Policy 14 of the HDP.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Paul Martinson

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: Site Location Plan; ED24-09-05-03; ED24-09-05-02 Rev A; ED24-09-05-01 Rev A.
- 3) Prior to the first occupation of the serviced accommodation hereby approved, secure cycle parking facilities shall be installed in accordance with a scheme which has been first submitted to and approved in writing by the Local Planning Authority. The cycle parking shall subsequently be retained in its entirety for such use thereafter.
- 4) Prior to the first occupation of the serviced accommodation hereby approved, provision shall be made for the storage of refuse, in accordance with a scheme that has first been submitted to and approved by the Local Planning Authority. The provisions shall be retained in accordance with the scheme thereafter.

END OF SCHEDULE