
Appeal Decision

Site visit made on 23 July 2025

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2025

Appeal Ref: APP/N4720/W/25/3366234

5 Roman View, Roundhay, Leeds LS8 2DL

- 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 Appleton of Libertas Proprietas Ltd against the decision of Leeds City Council.
 - The application Ref is 25/00331/FU.
 - The development proposed is alterations to one existing window & addition of two new windows and lightwells and to front and side elevations at basement level.
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Preliminary Matters

1. The appeal form and decision notice describe the proposal as alterations to lightwell window to front to create larger window, two new windows and lightwells to front and side. Apart from what appears to be a typographical error (alteartions rather than alterations), this is a more accurate description and so I have based my assessment on this rather than that on the application form which I have quoted above.

Decision

2. The appeal is allowed and planning permission is granted for alterations to lightwell window to front to create larger window, two new windows and lightwells to front and side at 5 Roman View, Roundhay, Leeds LS8 2DL in accordance with the terms of the application, Ref 25/00331/FU, subject to the following 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: -
 - OS – 1:1250 Ordnance Survey Location Plan;
 - 2 – 1:200 Block Plan; and
 - 1 – 1:100 Proposed Plans and Elevations.

Main Issues

3. The main issues are the effect of the proposal on highway and pedestrian safety and any resulting effects of this on the living conditions of the occupiers of neighbouring properties.

Reasons

4. The appeal site comprises an end terraced property on the corner of Roman View, Roman Place and Back Roman Place. The character of the area is residential with little off-street parking. Most residents therefore utilise the surrounding roads for parking. Back Roman Place is very narrow with no room for vehicles to park and allow vehicular access.
5. The property is a Class C4 House in Multiple Occupation (HMO)¹. The proposed alterations would allow more natural light into the basement which would make these rooms more suitable for living accommodation. The submitted plans indicate that there are currently four bedrooms and the proposal would include internal alterations to create a total of five bedrooms plus storage space in the basement. The Council has not expressed any concern about the design or appearance of the external alterations. I also find no harm in this regard.
6. Whilst the works may facilitate the increase in the number of bedrooms, the property would still remain as a Class C4 HMO which comprises the use of a dwellinghouse by not more than six residents as a house in multiple occupation. The application does not propose any change to this and whilst the works may result in an increase in the number of bedrooms, the proposal does not include a change of use but retains the Class C4 use.
7. The Council consider that it is reasonable to link operational development, in this case the works proposed that are subject to this appeal, to the consequences of that operational development. I agree that the proposed works would allow space within the house to be used to create additional bedroom space but this does not override the use of the property as a Class C4 HMO. If the proposed development obviously caused the property to fall outside that class then it would be reasonable to consider the implications of that. In this case it does not. There is no suggestion by either party that the property is intended to be occupied by more than six persons.
8. I appreciate that the Council consider that the proposal appears to be a way of evading planning control through a technicality but the matter remains that the proposal is for the works described in the application and therefore falls to be considered on its merits. Furthermore, the labels given to rooms on a plan do not prevent those rooms being used for another purpose as long as that purpose fell within the appropriate Use Class. Although the storage room in the basement could be used for another purpose than storage, providing the use did not take the property outside Class C4, this would be outside the control of the planning system.

¹ The Town and Country Planning (Use Classes) Order 1987, Class C4 (As Amended).

9. Occupiers of this property and their visitors rely on on-street parking and given the lack of off-street parking there is pressure on the existing availability. This arrangement may be frustrating to residents in the area. Notwithstanding that the proposal would enable the internal layout to be amended to increase the number of bedrooms, the proposed alterations would not in themselves result in an increase in that pressure. The authorised use of the property is for up to six residents and regardless of the proposed alterations, the property could be used as such. Consequently, there is no justification for withholding the proposed works on this basis.
10. Given the nature of the proposed works, I do not find that the proposal would have a harmful effect on highway and pedestrian safety or result in a harmful effect on the living conditions of the occupiers of neighbouring properties. It would not conflict with Core Strategy² Policy P10 which requires development to be of a good design that is appropriate to its location, scale and function. It would also not conflict with the accessibility requirements of Core Strategy Policy T2 or the detailed planning considerations with regard to highway safety or the loss of amenity as required by UDP³ Policy GP5. Core Strategy Policy H6 relates to HMO's but given that the property is already a HMO, this policy is not relevant. Likewise, the parking requirements under the Leeds City Council Transport SPD⁴ are not relevant. I also find no conflict with the National Planning Policy Framework.

Other Matters

11. The Council cite case law regarding 'fall back' and point to the likelihood of works being carried out to create six bedrooms regardless of this proposal. I accept that improved lighting to the basement would make it more likely to be used as bedroom space rather than storage. However, the limits under Class C4 are based on the number of persons living at the property not the number of bedrooms and, although I have not viewed the property internally, from the details submitted, it is possible that some rooms could be shared by two people. Therefore, even if the proposal resulted in the increase in the number of bedrooms from 4 to 6, the total number of residents would still be limited to 6 under Class C4.
12. I note that the Council also express concerns about the standard of accommodation should the appellant increase the amount of accommodation without carrying out these works. I agree that the communal space would be reduced and the outlook from the basement rooms would be poor. I agree that this is a negative element of the fall-back position but not one that could be influenced by planning legislation.
13. Given that six persons could occupy the premises regardless of the works being carried out without contravening any planning legislation, the fall-back position does not carry sufficient weight to justify withholding permission for the works proposed.

² Leeds City Council Core Strategy (as amended by the Core Strategy Selective Review 2019) Leeds Local Plan, Adopted November 2024, Amendments Adopted 11 September 2019.

³ Leeds City Council – Leeds Unitary Development Plan (Review 2006) Volume 1: Written Statement, Adopted by Leeds City Council 19 July 2006.

⁴ Leeds City Council SPD, Adopted 3 February 2023

Conditions

14. In addition to the standard time limit condition, the Council suggest that the proposal is carried out in accordance with the approved plans. This is reasonable for the avoidance of doubt and in the interests of proper planning. However, the numbering of the plans on the list submitted by the appellant differs from that on the submitted plans but as the numbering generally coincides with those listed on the decision notice, I have taken the references from the submitted plans themselves.

Conclusion

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

J D Clark

INSPECTOR