
Appeal Decision

Site visit made on 15 July 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2025

Appeal Ref: APP/C2741/W/25/3365126

68 Nunthorpe Road, York YO23 1BQ

- 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 J Moore against the decision of City of York Council.
 - The application Ref is 24/01977/FUL.
 - The development proposed is conversion of existing 6 bed dwelling into 5 bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision but prior to the submission of the appeal, the City of York Local Plan (the Local Plan) was adopted in February 2025. The draft policies of the Local Plan were referred to in the Council's decision, and copies of the now adopted policies have been provided as part of the appeal. The main parties have had an opportunity to comment on the adoption of the Local Plan through the appeal process. I have thus had regard to the Local Plan policies.

Main Issue

3. The main issue is whether the proposal would provide adequate living conditions for future occupiers, with particular regard to internal and external layout and space provision.

Reasons

4. The proposal seeks to change the use of an existing mid-terrace dwellinghouse into a 5-bedroom House in Multiple Occupation (HMO). The accommodation would be set across 3 levels, with one bedroom on the ground floor, 3 on the first floor, and an additional bedroom in the roof space.
5. Communal spaces would be provided at ground floor, including a galley kitchen and dining area, and a separate lounge. The lounge would however be located centrally in the building, with an internal window facing into the dining area, which in turn would look out through a patio door onto a glazed bin storage area beyond. While the glazing of this area would allow a degree of natural light to penetrate into the lounge, the layout would nevertheless deprive this space of any meaningful outlook and would feel somewhat enclosed for future occupiers.
6. Bedrooms on the upper floors would be provided with their own W/C facilities, but no bath or shower provision. 2 showers would be located on the ground floor, at the far end of the rear offshoot, through the narrow kitchen and dining space. This

would be particularly inconvenient for occupants of the upstairs bedrooms, and even more so when occupants are cooking while others need to use the showers.

7. Externally, there is a modestly sized rear yard area, laid with a hard surface. The proposal does not include any private parking, and on-street parking requires a permit. This is not necessarily an issue in this case given the accessible location of the site, close to local services, amenities and public transport in and around York city centre, and provided other means of transport are facilitated, such as cycling. However, while cycle parking is depicted in the rear yard, this would occupy much of this area, with limited space to manoeuvre bikes and bins in or out.
8. Moreover, the constrained nature of the rear yard would leave little room for future occupants to enjoy it as a private external amenity space, once cycle parking and bin storage are factored in. The only access to it would be through the bin storage area, further reducing its attractiveness and convenience for recreational use.
9. The appellant contends that application of the Council's parking standards of 1 cycle space per occupant is not appropriate in this location, as it is not uncommon in such areas for there to be no demand for cycle parking. While I recognise other means of transport, such as walking and public buses, would be available to future occupants, no substantiated evidence to indicate a lower level of cycle parking is acceptable in this location has been provided. Providing each occupant with space to park a bike would encourage cycling and is particularly important where individuals are unrelated and access to car parking is limited.
10. While the existing floor plans indicate the dwelling currently features 6-bedrooms, its extant use is a Class C3 dwellinghouse. Occupants of the building in this arrangement would thus be related, and so are likely to share trips, meals and activities. The nature of the extant use of the property is thus materially different to that proposed in this appeal. The omission of 1 bedroom from the property does not therefore weigh significantly in favour of the proposal and, ultimately, the layout and space in the appeal scheme is inadequate for 5 unrelated individuals.
11. In conclusion, the proposal would fail to provide adequate living conditions for future occupiers, with particular regard to internal and external layout and space provision. The proposal would thus conflict with Policies D1, H8 and T1 of the Local Plan. These policies, among other provisions, seek to ensure that development proposals meet the highest standards of accessibility and inclusion, create buildings and spaces that are fit for purpose, maximise sustainability potential, ensure design considers residential amenity, HMO accommodation is of a high standard, and minimise the need to travel, with sufficient convenient, secure and covered cycle storage.

Conclusion

12. The development conflicts with the development plan, taken as a whole. I have found no material considerations that indicate the appeal should be determined other than in accordance with the development plan. Consequently, I conclude that the appeal is dismissed.

Ryan Cowley

INSPECTOR