



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: 26 August 2025

Appeal Ref: APP/C2741/W/25/3365350

75A Monkton Road, York YO31 9AL

- 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 Aujila, on behalf of J&P Properties (Yorkshire) Ltd, against the decision of City of York Council.
 - The application Ref is 25/00292/FUL.
 - The development proposed is change of use of dwelling (use class C3) to large House in Multiple Occupation (sui generis) for up to 8 occupants.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of the development in the application form referred to change of use to a 7-bed House in Multiple Occupation (HMO). However, the plans before me depict 8 bedrooms. In the banner heading above, I have therefore used the description of development from the Council's Decision Notice, as this describes the development more accurately.
3. I saw on my site visit that the internal layout of the property has already been altered in accordance with the proposed floor plans. The appeal is thus considered, in part, retrospectively.

Main Issues

4. The main issues are whether the development would provide i) adequate living conditions for future occupiers, with particular regard to internal space provision, and ii) adequate levels of off-street car and cycle parking.

Reasons

Living conditions

5. The development seeks to change the use of an existing end-terrace dwellinghouse into an 8-bedroom HMO. The accommodation would be set across 3 levels, with 5 bedrooms on the first floor, and 3 bedrooms in the roof space.
6. The Council contend that some of the bedrooms are only just acceptable in terms of room space required for a HMO licence, with the smallest being bedroom 4, which would fall below the minimum room size for a single bedroom set out in the Nationally Described Space Standards (NDSS).

7. The floor plans before me do not clearly articulate the floor area of each room. Nevertheless, the appellant maintains that, including the corridor into bedroom 4, this room would exceed the NDSS space standards. However, this space would be of limited utility to future occupiers.
8. Moreover, I saw on my site visit that several of the rooms are only modestly size, including bedroom 4. Additionally, bedrooms 6 and 8 in the roof space are somewhat irregularly shaped, with large parts sitting beneath the roof slope, which considerably curtails the useable floor space. The NDSS notes that any area with a headroom of less than 1.5m should not be counted within the Gross Internal Area. Section drawings to demonstrate ceiling heights in these areas have not been provided.
9. Communal spaces would be provided at ground floor. An amended plan was submitted as part of the appeal, which includes alterations to the ground floor layout to provide additional living space and an amended kitchen layout. The Council has had an opportunity to comment on this amended plan through the appeal, and this does not fundamentally alter the development.
10. Nevertheless, while the amended plan demonstrates that the ground floor layout can be adapted to provide additional space, the resulting rooms remain constrained in size. The kitchen would accommodate double ovens, double cookers and a small breakfast bar with space for 4 people. Double fridge / freezers, a dish washer, washing machine and sink would also be provided. These appliances would be located close to each other however and provide limited space for multiple people to use the kitchen at one time.
11. The originally proposed separate dining room with space for an 8-seat dining table would be replaced with a modestly sized lounge, with a separate small breakfast area created with space for 4 people, in the location of the boiler and water tank, resulting in the loss of a second sink and separate tumble dryer. These do not appear to be replaced in the amended kitchen plan.
12. Ultimately, I find that the layout and space in the appeal scheme, taken as a whole, is inadequate for occupation by 8 unrelated individuals and would not provide satisfactory living conditions.
13. In conclusion, the development would fail to provide adequate living conditions for future occupiers, with particular regard to internal space provision. The development would thus conflict with Policy H8 of the City of York Local Plan adopted 27 February 2025 (the Local Plan) with regard to this main issue. This policy, among other provisions, seeks to ensure that applications for the change of use from dwelling house to HMO will only be permitted where the accommodation provided is of a high standard.

Car and cycle parking

14. The Council concluded in its officer report that, due to the size of the rear yard, there would be sufficient space for the appropriate provision of cycle parking for 8 occupants. There is no compelling reason for me to conclude otherwise.
15. The development would not include any additional off-street car parking. However, the property is located in a small parade of shops, with a convenience store,

pharmacy and barber shop. There is also a bus stop immediately opposite and, as above, the development includes space for cycle parking.

16. There is a considerably sized parking area to the rear, with garaging and several marked parking bays. There is also a parking area to the front, and unrestricted on street parking in the surrounding area. Though only a snapshot in time, I observed a considerable number of vacant parking spaces to the rear of the site and on streets in the surrounding area during my site visit.
17. Given the nature of the development, the extant use, its proximity to local services and access to alternative modes of transport, it is unlikely that each future occupant would own a car. The increase in demand for car parking spaces is thus likely to be limited.
18. I recognise that planning permission has recently been granted for a 5-person HMO along the same parade. Even so, the cumulative increase in parking demand is unlikely to be so significant as to have a harmful effect on the living conditions of the occupiers of neighbouring properties.
19. The development would therefore provide adequate levels of off-street car and cycle parking. I have not identified any conflict with Policy H8 of the Local Plan in this respect. The supporting text to this policy clarifies that, in considering the impact on residential amenity, attention will be given to whether the applicant has demonstrated there is sufficient space for potential additional cars to park.

Conclusion

20. I have found that the development would provide adequate levels of off-street car and cycle parking. However, this does not overcome the harm and development plan conflict arising from the failure to provide adequate living conditions for future occupiers, with particular regard to internal space provision.
21. The development would thus conflict 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