



Appeal Decision

Site visit made on 19 September 2025

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2025

Appeal Ref: APP/C2741/W/25/3367825

61 Wycliffe Avenue, York YO10 3RH

- 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 Tom Buck against the decision of City of York Council.
 - The application Ref is 25/00041/FUL.
 - The development proposed is change of use from single dwelling (Use Class C3) to House in Multiple Occupation (Use Class C4) for 4 occupants.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the proposed development on the application form contained superfluous information. I have therefore utilised the description given in the Council decision notice in the interests of conciseness.
3. It is acknowledged that an amended plan has been submitted at the appeal stage in response to the reasons for refusal raised by the Council. The revised submission seeks to demonstrate that a parking space can be accommodated within the footprint of the existing garage, contingent upon its removal. This intention is referenced in the appellant's appeal letter. However, it is important to note that the original Design and Access Statement submitted at the application stage indicated that the existing garage structure would remain unaltered. This is also referenced in the case officer report provided by the Council. In this context, the Planning Inspectorate Procedural Guide: Planning Appeals – England, emphasises that the scheme considered by the Inspector should be materially the same as that assessed by the Council and as consulted upon with interested parties. In the interests of procedural fairness, the appeal has therefore been assessed on the original scheme as determined by the Council.

Main Issues

4. The main issues are:
 - whether the proposed development would lead to an overconcentration of House in Multiple Occupation (HMO) properties;
 - the effect of the proposal upon the character and appearance of the area;
 - whether the proposal would provide sufficient vehicle parking; and,
 - whether the proposal would provide sufficient cycle parking and refuse storage.

Reasons

Whether the proposal would lead to an overconcentration of HMOs

5. The appeal property is a two-storey end of terrace dwelling with a single storey garage located towards the end of a cul-de-sac which makes up Wycliffe Avenue. Wycliffe Avenue hosts a strong and predominant residential character, with dwellings repeatedly produced in red brick terraced blocks, alongside the occasional semi-detached pair.
6. The permitted use of the property is that of a dwellinghouse. It is not unreasonable to expect members of a family to have their own working hours, a difference in behaviour and comings and goings. However, there is an expectation that this would be intensified in HMO properties due to the unconnected relationship of each resident. The activity generated by individual people, living separate lives, with separate routines, and their attendant comings and goings along with those of their visitors, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house. As a result, an overconcentration of HMOs can lead to impacts on the living conditions of neighbouring occupants. Therefore, it is necessary to control the number of such premises to avoid high concentrations of HMO properties in an area.
7. Policy H8 of the York Local Plan 2025 (LP) is concerned with applications for the change of use of a dwelling house to a HMO. It notes that such a change will only be permitted where less than 20% of properties at a neighbourhood level and less than 10% of properties at street level, within 100 metres, are known to be HMOs, amongst other things. Critically, in my evaluation of this policy, it does not allow for further HMOs beyond these thresholds in any circumstance.
8. At street level, within 100 metres of the appeal site, are two properties which are known to be used as HMOs. This equates to 6.67% of the properties within this radius. At a neighbourhood level, this percentage rises to 21.77% of the properties which are used as HMOs. Therefore, the neighbourhood level threshold has been exceeded.
9. The appellant asserts that the proposed development would operate as a well-managed HMO. However, the quality of management, while important, does not mitigate the fact that the proposal would result in a further exceedance of the neighbourhood threshold for HMOs, which is set by Policy H8. It is further contended that the development would deliver high-quality accommodation, compliant with relevant space standards and inclusive of communal facilities and outdoor amenity space. While these aspects are acknowledged and represent an absence of harm in terms of internal living conditions, they do not outweigh the broader policy conflict arising from the cumulative impact of HMO concentration at the neighbourhood level.
10. To conclude, the proposal would therefore continue to increase this percentage, further beyond the 20% neighbourhood level threshold. This would be in direct conflict with Policy H8 of the LP.

Character and appearance

11. The properties along Wycliffe Avenue exhibit a contrasting approach in the design and treatment of their frontages. Some dwellings, including the appeal site, incorporate a modest area of hardstanding for vehicular access alongside a small, grassed section. This assists in the creation of a positive landscaped environment for those properties which have retained this grassed space. Others have replaced the entirety of their front garden with hardstanding. However, there is no substantive evidence before me to confirm that such alterations constitute lawful development or have been granted planning permission.
12. The York House Extensions and Alterations Supplementary Planning Document 2012 (SPD) notes that care should be taken to retain as much of the garden boundary and existing vegetation as possible, as barren hard surfaced gardens which serve only as car parking areas erode the character of the street. Such impacts are evident in Wycliffe Avenue.
13. The proposed development seeks to remove the existing grassed area at the front of the appeal property to accommodate an additional off-street parking space. This alteration would result in a fully hard-surfaced frontage, thereby diminishing the visual amenity and soft landscaping that currently contributes to the character of the street scene. In turn, once constructed, this space would be utilised for the parking of a vehicle. As such, this would create a car dominated frontage, and would thus further erode the area of soft landscaping to the front of the appeal site.
14. The appellant asserts that the boundary planting to the front of the appeal site would be retained and that its preservation could be secured through the imposition of a planning condition. While such planting may offer a degree of visual mitigation, it would not sufficiently offset the adverse impact arising from the proposed extent of hardstanding. The dominance of a parked vehicle within the frontage would significantly erode the visual quality of the site and detract from its positive contribution to the character of the street scene. Accordingly, the retention of boundary planting through a planning condition, though beneficial, would not adequately address the harm caused by the loss of soft landscaping and the intensification of hard surfacing.
15. To conclude, the proposed development would be in conflict with Policy D1 of the LP. Policy D1 notes that development proposals which cause damage to the character and quality of an area will be refused.

Whether the proposal would provide sufficient vehicle parking

16. As independent people living separate lives, it is not common for the occupants of a HMO to share journeys, and therefore vehicles with each other. As such, the occupants of HMOs are likely to require parking provision for their individual vehicles. The Council note that HMO developments should provide one parking space per every two bedrooms.
17. While the dimensions of general parking spaces are not explicitly defined, paragraph 15.2 of the SPD provides guidance in relation to outbuildings and parking provision. It states that sufficient space must be available on a driveway in front of a garage to accommodate a parked vehicle and allow for the opening of garage doors. A minimum driveway length of 5.5 metres is therefore sought in

such circumstances. In the absence of broader parking standards, this benchmark has been applied in the assessment of this appeal.

18. The Council maintains that two off-street parking spaces are required to serve the proposed development. The appellant has indicated that the scheme would provide two spaces to the front of the property, in addition to a third space within the existing garage structure.
19. Garages are frequently used for both vehicle parking and household storage. The proposed plans include the internal dimensions of the garage, which significantly exceed the 5.5 metre minimum length stipulated in the SPD. Accordingly, the garage is capable of accommodating one vehicle. As referenced in the preceding main issue, the proposal includes the removal of the existing grassed area at the front of the property to facilitate the creation of an additional off-street parking space. The Council has confirmed that the total driveway area would measure approximately 9.3 metres in width and 4.6 metres in depth. As such, this configuration would enable the parking of a second vehicle across the front of the property in front of the proposed first bedroom, without obstructing access to the garage or its protrusion onto the highway.
20. The provision of these two spaces and their proposed size would meet the required number of spaces as stipulated by the Council. Therefore, the proposed development would not be in conflict with Policy T1 of the LP. This policy requires, amongst other things, for development proposals to create safe layouts for motor vehicles.

Cycle parking and refuse storage

21. Consideration is now given to the provision of cycle parking and refuse storage. Within the submitted Design and Access Statement, the appellant indicates that the existing garage would be utilised for the storage of both elements. However, the appeal letter and Refuse Management Plan (dated 17 June 2025) subsequently states that refuse storage would be located to the rear of the property. Notably, the proposed plans do not clearly identify the location of either the bicycle or refuse storage facilities.
22. As previously established, the proposed parking arrangement for the required two parking spaces would not obstruct access to the front door of the garage. Given the overall dimensions of the garage, it is feasible that both refuse bins and bicycles could be accommodated within it. Nevertheless, it is acknowledged that the presence of a parked vehicle may restrict the ease with which these items could be manoeuvred to the front of the property. Consequently, it is considered unlikely that such provision would be convenient or well-utilised by future occupants. This would therefore result in the presence of refuse bins to the front of the property, as was noted during my site visit.
23. The appellant has suggested that the imposition of a planning condition could be utilised to secure appropriate refuse and cycle storage arrangements. A pre-commencement condition requiring the submission and approval of these details prior to the commencement of development would ensure that any potential impacts are addressed in advance and that suitable provision is integrated into the scheme.

24. Subject to the inclusion of an appropriately worded planning condition, it is concluded that the proposed development would comply with Policy D1 of the LP. This policy seeks to ensure that development is designed to the highest standards of accessibility and that car parking and servicing arrangements are effectively integrated into the overall design.

Other Matters

25. The Council has noted that as the proposal is not compliant with the relevant policies in respect of the concentration of HMOs, this may result in harm to the living conditions of the occupants of neighbouring properties. While this concern is acknowledged, the Council has not provided a substantive explanation which details the extent of this alleged harm. Having identified conflict with the development plan in relation to several issues discussed above, I consider that this matter is not determinative in the context of this appeal. Accordingly, I have not reached a definitive conclusion on this matter.

Planning Balance and Conclusion

26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 outlines that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework indicates that a decision should be taken in accordance with the development plan.
27. I acknowledge that whilst this proposal would not provide an additional dwelling, it would provide an additional two bedrooms to an existing property. This would provide a space for two individuals. As such, this would provide a small, but nonetheless important contribution to the supply of HMO accommodation in an accessible location in York. Although very limited to a scheme of this size, there would be a very small benefit to the local construction industry through the procurement of materials and labour. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. These matters attract limited, but positive weight in my decision.
28. However, in my overall consideration of the scheme, these benefits are of positive but limited weight. They do not outweigh the harm and conflict with the LP to which I have identified in relation to the main issues above. There are no material considerations of such weight or significance before me as to justify a decision otherwise than in accordance with the development plan.
29. For the reasons given above, the appeal should be dismissed.

J Smith

INSPECTOR