



Appeal Decision

Site visit made on 12 August 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/C2741/W/25/3367709

9 St Mary's Grove, Osbaldwick, York, YO10 3PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Nikolai Krasnov against the decision of City of York Council.
 - The application Ref is 24/02326/FUL.
 - The application sought planning permission for change of use from dwelling (use class C3) to House in Multiple Occupation (use class C4) without complying with a condition attached to planning permission Ref 23/00532/FUL, dated 24 July 2023.
 - The condition in dispute is No 4 which states that: *Notwithstanding the provisions of the Town and Country Planning (Use Class Order) 1987, there shall be no more than 4 no. tenants of the proposed House in Multiple Occupation at any one time.*
 - The reason given for the condition is: *Because of the limitations of providing more than two independently accessible car parking spaces on site and the location of the property at the end of a narrow cul-de-sac with limited opportunity for on street car parking the local planning authority considers that it should be able to assess the impact of any proposed intensification of the multiple occupancy use which, without this condition, could be undertaken without any further consent being required.*
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form describes the proposed development as “alteration of existing 4 bedroom HMO to a 6 bedroom dwelling”, however the Council have dealt with the application as a removal of a planning condition, and this is the description of development on the appeal form. I have dealt with the appeal on this basis.
3. Since the original permission was granted, the Council have adopted the City of York Local Plan (2025) (LP). In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision. The appeal has therefore been determined in accordance with Policy T1 of the LP.

Background and Main Issue

4. Permission was granted for the change of use of a dwelling to a House of Multiple Occupation (HMO). This was subject to a condition which required that the HMO does not have more than 4 tenants at any one time, due to the effect of increased car parking on the safe operation of the public highway. The appellant is seeking to remove the condition.

5. The main issue is the effect of removing the condition on the safety of vehicle, pedestrian and wheeler access on St Mary's Grove.

Reasons

6. The appeal site is an extended two-storey, semi-detached property located at the head of St Mary's Grove, a small cul-de-sac. To the front of the property there is a tarmacked driveway with an area of paving to the side. A large tree is located within the front garden at its entrance although this is not protected by a Tree Preservation Order. St Mary's Grove is a narrow road of approximately 4m in width and has unrestricted parking. It joins Thirkleby Way, a residential street, which leads to the commercial uses on Osbaldwick Lane and Farndale Avenue, a short walk from the appeal site. The appeal site is also located in proximity to two bus stops which provide services to the University and York City Centre.
7. Policy T1 of the City of York Local Plan (2025) requires development proposals to demonstrate that there is safe and appropriate access to the adopted highway for motor vehicles but also for pedestrians and cyclists. I have not been provided with any adopted or emerging car parking standards. The car parking standards I have been referred to are set out in Appendix E of the Submitted Publication Draft Local Plan (2005), which were not carried forward into the adopted LP but nevertheless remain informal guidance. The Council maintains that three car parking spaces would be required for a 6 person HMO.
8. The appellant has submitted a car parking survey which includes photographs taken between Thursday 4th and Sunday 7th of July 2024 between the hours of 6pm and 8pm, although I note this was outside of normal university term time. Whilst this was a snapshot in time the images show that during these times there were two or three cars parked on the road. I observed during my site visit, which took place during the daytime in the summer holidays, that there were cars parked on both sides of St Mary's Grove. There were two vehicles to one side and one to the other which obstructed the pavement and narrowed the width of vehicular access. There were also several cars parked along Thirkleby Way, some of which were parked over the grass verge. This situation is likely to worsen as people return home from work, running errands or during term time. Whilst I acknowledge that this evidence is also only a snapshot in time, I am satisfied that St Mary's Grove is subject to some parking pressure.
9. The existing driveway of the appeal property is approximately 13.8m in length and at its widest point measures approximately 9.8m in width, however it narrows to approximately 3.8m at the access. Although there were no cars parked at the property at the time of my site visit, the appellant's appeal statement shows in image 4.2 that two cars can comfortably park on the driveway in tandem to one another.
10. The appellant submitted drawings as part of the planning application which show how three cars could independently access and egress the parking area. This is supported by a 'summary of video evidence' document. The planning statement refers to a gap of 1 to 1.5m retained to each side to allow accessibility, however the video evidence document shows that the red car is parked right up to the boundary fence, which would make it challenging to exit the vehicle. The images don't show how the green car is parked in relation to the property and whether sufficient pedestrian access is provided, or for the movement of bins and bicycles.

Based on the submitted evidence and my observations, this proposed parking arrangement would be challenging for most drivers of standard sized cars. This would mean that tenants would be more likely to either stack their cars behind one another or park on St Mary's Grove or Thirkleby Way.

11. If cars were parked in a stacked formation, it would not be unreasonable for agreement to be reached between one or two different household members with regards to agreeing to move vehicles. However, this would be more challenging if the numbers of households increase and would be reliant on other occupants being present in the property. Therefore, for convenience tenants are likely to park on the road, so they can move their vehicles without hindrance.
12. Whilst in my view a HMO for 4 tenants would not be dissimilar in character to that of a 4-bedroom dwelling with grown up children, the comings and goings of a larger HMO would be different. The tenants would comprise six separate households and therefore would be likely to start work or university at different times of the day and travel independently. Furthermore, there would be increased numbers of visitors and deliveries. Despite the proximity of the site to shops and bus stops, it is not inconceivable that all future tenants would have their own vehicle. As St Mary's Grove is narrow and already subject to parking pressure, any level of additional on street parking would exacerbate the existing situation. This would cause further obstruction of pavements to the detriment of pedestrians and wheelers and restrict access by larger vehicles including emergency services.
13. The appellant has referred me to an appeal at 234 Melrosegate¹ which related to a HMO with 3 or more unrelated inhabitants. As this appeal seeks to increase the number of tenants beyond this figure, this case is not directly comparable.
14. I therefore conclude that the removal of the condition restricting the number of tenants would increase the on-street parking pressures to the detriment of the safety of vehicle, cycling, wheeler and pedestrian access on St Mary's Grove and that condition 4 remains necessary. The proposal thereby conflicts with Policy T1 of the LP which seeks amongst other things to ensure that development provides safe and appropriate access for all transport users.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
16. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR

¹ APP/C2741/W/24/3349195