
Appeal Decision

Site visit made on 11 September 2025

by **D M Love BA(Hons) PGCert MRTPI PISEP**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/C2741/W/25/3368142

23 Abbotsford Road, York YO10 3EE

- 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 Ollie James (of C&J Holdings) against the decision of City of York Council.
 - The application Ref is 24/02188/FUL.
 - The development proposed is described as “change of use of an existing dwelling house (Use Class 3) to House in Multiple Occupation with up to four people (Use Class 4)”.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the proliferation of Houses in Multiple Occupation (HMOs) in the residential street and resultant change in character; and
 - parking and highways safety.

Reasons

3. Abbotsford Road is a residential cul-de-sac serving a mix of two storey detached and semi-detached properties. On-street parking is common, as is informal parking arrangements within front gardens. A footpath runs down either side of the street.

Proliferation of HMOs

4. Policy H8 of the City of York Local Plan (CoYLP) seeks to only permit HMOs where less than 20% of properties at neighbourhood level and less than 10% of properties at street level are known to be HMOs. In Abbotsford Road the HMO register confirms that at street level (within 100m) 50% of properties are known to be HMOs and more than 10% at neighbourhood level. The applicant does not contest this but that it makes no material difference to the area if a further HMO is added. However, the thresholds are already exceeded, and the proposal is not consistent with the CoYLP in this regard.
5. An excessive number of HMOs in a single street or neighbourhood could result in a change in character with more comings and goings, additional noise and a higher than usual turnover of residents. This would result in an imbalance of residential property types potentially impacting the sense and feel of community which the policy seeks to avoid through limiting the number of HMOs in residential areas.

6. The proposal would result in an over proliferation of HMOs in this residential street resulting in harm to the character of the area. It would fail to comply with Policy H8 of the CoYLP and SPD: Controlling the Concentration of Houses in Multiple Occupation. Together these form the Council's approach to applications for HMOs and seek to prevent the imbalance of communities by limiting the number of HMOs in residential areas.

Parking and Highways Safety

7. The Council indicate that a HMO for 4 occupants should have 2 parking spaces. It does not provide reference to any policy or guidance where this standard is set out. However, the aims of the relevant policies, as indicated in the supporting text, seek to secure sufficient parking to ensure that there are no undue effects on residential amenity and that there is safe access. The building occupied by 4 unrelated occupants is likely to result in car ownership beyond that associated with the use of the building as a single family home. I therefore consider that some off-street parking is necessary even taking account of the access to public transport.
8. The appellant aims to provide 2 parking spaces to the front of the property through the formation of an area of hardstanding. During my site visit I witnessed a car parked in front of 21 Abbotsford Road overhanging the footpath. The appellant's appeal statement shows photographs of cars also overhanging the footpath. Despite this inappropriate arrangement this is common along Abbotsford Road. I consider that encouraging this is not a suitable solution as it creates a potential pedestrian safety issue forcing users of the path to walk around the parked cars. This would be a particular issue for those who are infirm as they would need to step onto a grassed area or onto the road via the kerb.
9. The appellant also indicates that further cars could be parked to the side of the property between 21 and 23 Abbotsford Road. This would block access to garages. Garage spaces are generally used for storage and are common for bicycle parking. This arrangement would not allow suitable independent access by unrelated users of the garages given how narrow this space is.
10. Taking these factors together, I do not consider that adequate and safe parking would be provided. Parking standards in a now superseded Local Plan is not a material consideration of any significant weight, but in any event, I note that this is still likely to have required 2 spaces for 4 occupants.
11. The development would not provide adequate parking in a manner that would not compromise highway safety. It would be contrary to Policies H8 and T1 of the CoYLP. These policies seek to control the over proliferation of HMOs including to ensure there is sufficient space for potential additional cars to park and that safe access is provided.

Other Matters

12. The appellant's statement comments that they have spent a considerable sum renovating the property and have had difficulty attracting a residential occupant. However, I find these matters to be related to market conditions therefore I have afforded them little weight in the planning balance, and it does not outweigh the harm identified.

Conclusion

13. The proposal would continue to erode the residential character of Abbotsford Road. Furthermore, the appellants parking solution would create an unsafe environment for pedestrians. The proposal would not accord with the Development Plan considered as a whole. The appeal is dismissed.

D M Love

INSPECTOR