
Appeal Decision

Site visit made on 22 September 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 October 2025

Appeal Ref: APP/W4705/W/25/3370217

12 Birklands Road, Shipley, Bradford BD18 3BY

- 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 T Dakin, Dakin Properties Ltd against the decision of City of Bradford Metropolitan District Council.
 - The application Ref is 24/04423/FUL.
 - The development proposed is the change of use from a single dwelling to a 7 bed House in Multiple Occupation (HMO).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that work has not been started. I was able to see during my site visit that kitchen facilities have recently been installed, and the rear basement room was furnished. I was unable to view the front basement room from the inside as I was advised this was occupied. For the avoidance of doubt, I have determined the appeal on the basis of the plans and drawings before me.

Main Issues

3. The main issues are:
 - whether future occupiers would experience acceptable living conditions with particular regard to outlook, daylight and communal facilities;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - the effect of the proposal on highway safety with particular regard to parking.

Reasons

Living conditions of future occupiers

4. The appeal site is in an area of high density terrace rows. The terrace fronts Birklands Road, whilst a road which appears to be unnamed, provides access to the rear. The proposed basement rooms would be accessed via an internal staircase to a small lobby with doors on either side. Each basement room is served by a window.
5. The outlook from the front basement window is low down, and directly onto the lightwell, ground level of the small front garden and the pavement a short distance

- beyond. There is also a restricted angled view towards the sky. Due to the close proximity of the shared garden and pavement it would be possible to look directly down into the room from these areas. As such, the occupant would require the use of blinds, net curtains or obscure glazed windows in order to maintain effective privacy.
6. The rear bedroom within the basement would be served by a fully glazed rear door; however this is obscure-glazed and positioned at the bottom of a flight of steps that access the rear yard. The ground level of the rear yard is at approximately head height when viewed from within the room. Views towards the sky would be restricted and obscured.
 7. I observed during my site visit, on a day of clear sky, that the rear basement room was fully shaded, and also that the blinds were down in the occupied front basement room. The use of secondary lighting in daylight hours would therefore be very likely in both rooms.
 8. Both rooms are served by windows that are capable of good ventilation by way of being fully openable. However, the reduced levels of daylight and poor outlook, within rooms in which the occupiers would spend much of their time (for example, for reading, relaxing and watching television), is such that the occupiers living conditions would be harmed.
 9. I note reference to an appeal decision at Laisteridge Lane¹ that refers to basement windows. The plans show a different internal configuration as the basement layout appears to be a flat with separate rooms, rather than HMO bedrooms occupied individually. Moreover, in that appeal, the main room where occupiers would spend most of their time benefits from two windows rather than one. As a result, the Laisteridge Lane decision is not directly comparable to the appeal before me. Reference to it therefore has not altered my findings in relation to outlook and daylight.
 10. The kitchen is the sole communal room within the proposed HMO. The proposed floor plans show the room would serve as a central lounge and dining area with surrounding shared kitchen facilities. The Council's Housing Standards Team raises a concern in respect of the kitchen facilities for the potential number of occupants. Nevertheless, the facilities comprise two each of cookers, hobs, fridges, sinks, washing machines, plus an array of cupboards for food storage and equipment, as well as work surfaces, and would enable the proposed number of tenants to use different areas at the same time.
 11. The Council states that kitchen areas within a property for seven tenants, which has no separate living area, will need to be 15 square metres. The total calculated floor area serving all communal requirements of kitchen, eating and sitting is between 22.8 square metres and 23.9 square metres. Even with a calculation discrepancy, the room is large enough to accommodate a communal area alongside the kitchen. I observed during my site visit that there was a large table in the centre of the room with chairs, and that there was sufficient room around it to allow for circulation space and use of the kitchen. If furniture were to be arranged in the manner shown on the proposed floor plans, then even more space would be available.

¹ 3260471

12. There would be adequate access to communal facilities, however the proposal would harm the living conditions of future occupiers within the basement due to poor outlook and low levels of daylight. As such, the proposed development conflicts with Policies DS5 and HO9 of the Local Plan for the Bradford District, Core Strategy Development Plan Document (Core Strategy). Amongst other things, these policies require places that make a positive contribution to people's lives and suitable internal space for occupants.

Living conditions of neighbouring occupiers

13. The Council advises that the appeal site was a 4 bedroomed dwellinghouse prior to work taking place. The proposal provides three additional bedrooms. Although the occupants may be transient and unknown to one another, and the property is mid-terraced, the overall use and the comings and goings would remain of a residential nature.
14. From my site visit I found the property to be well-maintained with bin storage located to the rear, alongside private external amenity space. The communal room would be of sufficient size for the occupants, and I am also advised that the bedrooms would meet Nationally Described Space Standards. Two of the rooms are in the basement, away from main living areas. The property is therefore suitable for the increased level of occupancy, without over-intensification.
15. Whilst occupants of an HMO may spend more time in their individual rooms and may come and go at different times of the day to one another, there is nothing before me to indicate that a household occupying 4 bedrooms, would not function in a similar manner. Without evidence to the contrary, I am not persuaded that the proposal would lead to harmful noise and disturbance issues, over and above the use as a dwelling occupied by a household.
16. For these reasons, I conclude that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. As such the proposal accords with the relevant provisions of Policy DS5 of the Core Strategy. Amongst other things the policy states that there should be no harm to the amenity of existing or prospective users and residents.

Parking

17. Policy TR2 of the Core Strategy requires an assessment of new development against indicative parking standards. The car parking standard for an HMO is one space per two bedrooms. For the appeal property, the Council suggests this would equate to four spaces. The justification text accompanying Policy TR2 highlights a flexible approach to parking standards to respond appropriately to the location and the nature of proposed developments.
18. The appeal site is located close to bus stops with daily services to Bradford, Keighley, and Bingley railway station. There are also shops, restaurants and community facilities nearby. The quality of the local area incentivises car free living and therefore a flexible approach to the car parking standard would be appropriate.
19. Birklands Road and other streets in the vicinity have restricted parking controls, with clearly marked parking zones along both sides of the road. This indicates parking pressures. Areas outside of the controlled parking areas are limited to back lanes with parking availability restricted due to road width, narrow pavements and

- driveway accesses. The appellant states that there is unrestricted parking nearby, but it is unclear where this is located. It may be the narrow lanes described above, or a significant distance away.
20. Egress from the area of terraced housing onto the heavily trafficked Bradford Road, can also require waiting times at the junction, particularly if turning right due to the volume of traffic on that road.
 21. Not all occupants of HMOs are likely to be car owners, however even with a flexible approach allowing for a decreased number of spaces, the proposal is for no off-road car parking at all. During my site visit, I observed that there were some spaces available for parking, however this was during the day. Based on representations received from interested parties, the highway authority, and also the existing parking controls, in the evenings and weekends when most people are at home, there would be little if any on parking spaces available.
 22. The absence of available spaces would increase the likelihood of inconsiderate or poor on street parking that reduces the intervisibility between road users and pedestrians, to the detriment of highway safety, and contrary to paragraph 116 of the Framework.
 23. The appellant's stance is that an alternative change of use to a 6 person HMO can be undertaken under permitted development, and a lawful development certificate application, under Section 191 or 192 of the Act has been submitted to the Council. However, as use of the house as a 6 person HMO would generate materially less demand for parking than the appeal proposal, this is a fallback position to which I attach little weight in favour of the appeal.
 24. The appellant makes reference to a range of planning permissions for HMO developments within a range of 7 to 10 beds², where there is no provision for car parking. However, there is no evidence of parking restrictions or highway issues relating to these examples. As such, I am not satisfied that they are directly comparable to the circumstances of the appeal before me. Consequently, reference to these other decisions has not altered my findings in relation to this issue.
 25. Taking all these matters into account, I conclude that the development would have a harmful effect on highway safety with particular regard to car parking. It would conflict with the relevant provisions of Policies DS4 and TR2 of the Core Strategy. These policies seek to manage car parking to help manage travel demand and seek a safe and pleasant environment, even in parking areas.

Other Matters

26. The appeal site falls within 7 kilometres of the South Pennine Moors Special Area of Conservation and South Pennine Moors Phase II Special Protection Area. These are European Sites as defined by the Conservation of Habitats and Species Regulations 2017 (as amended). One of the pathways of impact is noted to be increased recreational use of these designated areas, so for new residential development, a financial contribution is required by the Council towards mitigation. A signed letter confirms that a Habitat Mitigation Fee of £751.22 has been paid. Nevertheless, as I have found that the development is unacceptable for other reasons, it is not necessary for me to consider this matter further.

² 24/01659/FUL; 24/01417/FUL; 24/03237/FUL

27. The appeal proposal would contribute to housing delivery and the effective use of land in delivering homes, particularly in accessible locations such as this. Such support is found within the Framework. The proposal would also be marketed to young professionals seeking affordable accommodation. However, the Framework is also clear that high standards of amenity are key aspects of sustainable development, as well as highway safety. Accordingly, whilst I have attributed positive weight to the benefit of housing delivery, this does not outweigh the harm that the proposal would cause.
28. No external alterations would take place as part of the proposal and for the reasons given earlier the use of the dwelling as an HMO would be compatible with the residential nature of the area. As a consequence, it would not affect any heritage assets include the Saltaire World Heritage Site.
29. I acknowledge that there have been efforts to engage with the Council prior to making the appeal. This is not a matter I can consider under a Section 78 appeal and does not alter my findings, in which I have had regard solely to the planning merits of the proposal.

Planning Balance and Conclusion

30. I have not found harm in respect of living conditions for neighbouring occupiers, or for future occupiers in terms of ventilation and access to communal facilities. However, this does not outweigh the harm in respect of the effect of the development on the living conditions of future occupiers, with particular regard to outlook and daylight, or highway safety with regard to car parking.
31. Accordingly, I find that there would be conflict with the development plan as a whole. The material considerations put forward in support of the appeal do not indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

E Heron

INSPECTOR