
Appeal Decision

Site visit made on 3 September 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 13 November 2025

Appeal Ref: APP/N4720/W/25/3368959

64 Conference Road, Armley, Leeds LS12 3DX

- 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 Sam Watterson of Watts & Co against the decision of Leeds City Council.
 - The application Ref is 25/01406/FU.
 - The development proposed is retrospective change of use of dwelling house (C3) to six person House in Multiple Occupation (C4) including new window in basement, formation of light well and blocking up door internally to front.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The term “retrospective” in the application description does not constitute a form of development. However, the application form confirms that the development has already been completed. The appellant has stated that the property is currently used as a 6-bedroom House in Multiple Occupancy (HMO) and based on my site visit, I have no reason to dispute this. The operational works appear to have been completed, except for the installation of secure cycle storage.
3. Although the description of development is for a change of use from C3 to a 6-bedroom HMO, planning permission was previously granted in 2023 (local authority reference 23/03395/FU) for a change of use from C3 to a 4-bedroom HMO. Since there is no disagreement that the property is now in use as an HMO, the change of use permission has been implemented. Therefore, my consideration of the appeal is limited to the proposed increase in occupancy from 4 to 6 people.
4. The existing layout plan submitted with the appeal shows 6 bedrooms, rather than the 4 approved under the 2023 permission. As a result, I cannot be certain which bedrooms were permitted under the implemented permission, and which are proposed to accommodate the increased occupancy.
5. The description of development on the application form does not include the demolition of a front boundary wall. The Council amended the description to include this issue, as a wall had been demolished before their decision. However, the plans before me clearly show a front boundary wall. While the appellant has addressed all the matters raised in the Council’s reasons for refusal, including the demolition of a front boundary wall, this is not part of the scheme under consideration. Accordingly, I am assessing the development as described on the application form and shown on the submitted plans.

6. The appellant's written statement refers to an application for an award of costs. However, the matter has not been substantiated, and no separate application for costs has been submitted with the appeal. Hence, I have not considered this matter further.

Main Issue

7. The main issues are:

- whether the proposed development would provide satisfactory living conditions for future occupants, with particular regard to the provision of external amenity space, privacy, and the provision of private internal space; and,
- the effect of the development on the character and appearance of the area.

Reasons

Living conditions

8. The appeal scheme provides 6 independent bedrooms over the ground, first and second floors of the property. Shared internal amenity space consists of a small communal living area within the basement as well as a shared kitchen/dining room and utility room on the ground floor.
9. Externally, the property offers a modest, mainly paved yard at the rear, bordered by dense hedges. The plans indicate that secure cycle storage for 6 bicycles will be installed, occupying approximately one-third of the garden area.
10. According to the Leeds City Council Draft Houses in Multiple Occupation, Purpose-Built Student Accommodation and Co-Living Amenity Standards Supplementary Planning Document, 2021, (HMO SPD) proposals for HMOs should provide good-quality outdoor amenity space for future occupants. The HMO SPD refers to the Leeds City Council Neighbourhoods for Living Supplementary Planning Guidance, December 2003, (NfL SPG) which recommends that communal outdoor space should equal at least a quarter of the property's internal gross floor area.
11. In this instance, after accounting for the cycle storage and the space required to access it, the remaining outdoor area would be very limited and would fall short of the NfL SPG's expectations. The available space would not be adequate or suitable for activities such as sitting out or drying clothes, especially considering its proportions, the number of proposed occupants and the proximity to the window to Bedroom 1.
12. Although the shared outdoor amenity space was likely to have fallen short of the standard recommended by the NfL SPG for a 4-person HMO, increasing the number of occupants and providing additional storage space for two more cycles make the available outdoor area even less suitable. Furthermore, the limited amount of shared internal space highlights the need for sufficient external amenity space to support the proposed number of occupants.
13. Bedroom 1 is situated at the rear of the property on the ground floor, featuring a square bay window that overlooks the rear yard. The secure cycle storage would be positioned close to this window, although slightly offset from it, meaning that

access to the cycle storage, potentially at unpredictable and unsociable times, could compromise the privacy of the occupant.

14. The appellant argues that cycle usage in HMOs is generally low, with each occupant expected to use a bicycle no more than twice daily. However, this assertion is unsupported by evidence and the actual amount and frequency of cycle usage cannot be guaranteed.
15. While the HMO SPD provides useful guidance on the relationship between ground floor bedrooms and outdoor amenity space, I can only afford it limited weight in my assessment. Nevertheless, the HMO SPD specifically advises against arrangements where occupants must keep curtains or blinds closed to maintain privacy, as this restricts sunlight and daylight penetration.
16. In this case, the proximity of the cycle storage and the shared use of the outdoor amenity space would result in unobstructed close-up views into Bedroom 1. Although privacy could theoretically be maintained by installing curtains or blinds, such measures fall outside the scope of planning control and cannot be guaranteed. Accordingly, even when taking into account the limited weight I can afford to the guidance provided by the HMO SPD, the proposed arrangement fails to provide adequate privacy for the occupant of Bedroom 1.
17. Bedroom 4 is situated on the first floor of the appeal property, with accommodation divided over two rooms separated by a communal corridor. While the accommodation for Bedroom 4 is modest, I do not consider the living conditions to be unacceptable in planning terms. The arrangement, with a bedroom and a separate dressing room/ensuite, is not unusual in HMOs. There is no specific policy requirement that prescribes a minimum amount of private amenity space within bedrooms, nor a requirement for ensuite facilities.
18. The dressing room, served by an obscure-glazed window, is typical of rooms intended for dressing or bathroom use and does not render the space unsuitable. The use of such a room as private amenity space is a matter of occupant choice and not strictly a planning concern. Furthermore, the shared living room and kitchen/dining area, though modest, provide communal space for occupants, which helps to offset the limited private space in Bedroom 4.
19. Detached bathrooms are not uncommon in shared accommodation, and the planning system does not require all rooms to be of a particular size or arrangement, provided there is no demonstrable harm to occupants' living conditions. The appellant's point that Bedroom 4 offers choice for those seeking smaller, more affordable rooms is a valid consideration, even if not fully substantiated.
20. On balance, while the living conditions for Bedroom 4 are limited, they do not fall below an acceptable threshold when considered against the relevant policy framework and the practical realities of shared accommodation. As such, there is no clear evidence of harm that would justify a refusal on these grounds.
21. A small communal living room is provided within the basement of the property. While the space is modest, it offers a dedicated amenity area, and the arrangement of living space is not uncommon in similar properties. The new, enlarged window, served by a lightwell, ensures that the room receives a reasonable amount of natural light, and there is no substantive evidence before me to indicate that the

levels of light are inadequate. The Council has not identified either the size or light levels of the living room as a specific reasons for refusal, and I have no reason to disagree.

22. I have considered this appeal on the basis of the submitted plans which show the front boundary wall in place. As such, I am satisfied that there would be no unacceptable loss of privacy for occupants of the communal living room from passers-by.
23. However, even with the boundary wall absent, this arrangement would not be dissimilar to other properties within terraced streets, where ground floor living spaces are commonly visible from the public footway. Such a situation is generally accepted as part of the established character of this area and does not result in undue harm to privacy. Therefore, I do not find that the development, whether the boundary wall is in place or not, results in an unacceptable loss of privacy for the occupants of the communal living room in this context.
24. In conclusion, the appeal scheme would result in unacceptable living conditions for the occupants of the HMO, particularly in relation to the adequacy of external amenity space and the privacy of occupants of Bedroom 1. Accordingly, I find that the scheme conflicts with Policies P10 and H6 of the Leeds Core Strategy (CS), 2019, and Policy GP5 of Leeds Unitary Development Plan (UDP), 2019. These, among other things, seek to ensure that development functions well and creates places with a high standard of amenity for users.

Character and appearance

25. My assessment of this appeal is based on the submitted plans, which indicate the front boundary wall as existing. However, the front boundary wall to the front yard of the property has been removed. Although the wall contributed positively to the architectural definition of the street, there is notable variation in boundary treatments along Conference Road including several instances where there are no boundary features, lower boundary walls or fences. Hence, while brick walls largely define the division between yards and the footway, the pattern of enclosure is inconsistent. As such, the absence of the wall does not appear out of place and does not undermine the overall character or appearance of the street.
26. While I acknowledge that the wall was an original feature that helped define the front edge of the property and provided a cohesive visual link with the adjoining house, its removal does not, in my view, result in harm to the character and appearance of the area.
27. To conclude on this main issue, the appeal development accords with Policy P10 of the CS and Policies GP5 and N25 of the UDP which, among other things, seek to maintain the character and appearance of the area.

Other Matters

28. The appellant has referred me to several examples of HMOs in the Council area that have been permitted with either no external amenity space or only very limited provision. Furthermore, my attention has been drawn to HMOs at 44 Mexborough Road, 8 and 3 Savile Road and 18 and 56 Conference Street, which were granted planning permission by the Council and appear similar in nature to the appeal before me with regard to the accommodation provided. However, I have not been

provided with the full details of the circumstances surrounding them. Consequently, I attach little weight to these examples and have determined this appeal based on the particular circumstances before me.

29. I also acknowledge the appellant's concerns regarding the Council's consistency in decision making. However, this is not a matter for consideration under a Section 78 planning appeal and does not alter my findings, which are based solely on the planning merits of the proposal.

Conclusion

30. I conclude that the proposed development would conflict with the development plan, when read as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

C Mayes

INSPECTOR