



Appeal Decision

Site visit made on 28 October 2025

by **C Mayes CMLI**

an Inspector appointed by the Secretary of State

Decision date: 8th December 2025

Appeal Ref: APP/C2741/W/25/3372317

9 Hampden Street, York YO1 6EA

- 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 J Moore against the decision of City of York Council.
 - The application Ref is 24/02269/FUL.
 - The development proposed is conversion of existing 3 bed dwelling into 3 bed HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises a change of use from a residential dwelling (Use Class C3) to a House in Multiple Occupation (HMO) (Use Class C4) for 3 independent occupants.

Main Issue

3. Whether the proposed development would provide acceptable living conditions for future occupants, with regard to cycle and refuse storage.

Reasons

4. The appeal relates to a mid-terraced house within a street of similar properties. The plans show the existing layout to remain substantially unchanged, with two bedrooms to the first floor, and a further bedroom, communal bathroom, and kitchen and living/dining areas to the ground floor. To the rear of the property is a small, enclosed yard, which is accessed from the kitchen and leads to an alleyway connecting to Victor Street. Based on the plans before me, there is insufficient space within the yard to accommodate both refuse and cycle storage in a manner that meets policy requirements.
5. Although the property has previously operated as a let dwelling for a considerable period, the proposed change of use to a HMO would result in 3 independent occupants, representing a more intensive form of occupation than a single household or standard tenancy arrangement. This intensification is likely to increase the demand for both refuse and cycle storage, with potential impacts on residential amenity. Given the limited parking and the site's central location, sustainable travel modes such as cycling are likely to be favoured. Therefore, the proposal must be assessed against the relevant development plan policies, which

require adequate provision for these facilities to safeguard the living conditions of future occupants.

6. The appeal site is subject to an Article 4 Direction, which means proposals for HMOs must be assessed against the development plan and other material considerations. The most relevant policies are Policies H8, D1 and T1 of the City of York Council Local Plan 2017-2033 (February 2025) (LP), as well as the Council's Draft Controlling the Concentration of Houses in Multiple Occupation Supplementary Planning Document (July 2014) (SPD).
7. Taken together, Policies H8, D1, and T1 of the LP require that the change of use of dwellings to HMOs does not detrimentally impact residential amenity, that developments provide adequate facilities for refuse storage and maintain the character and functionality of the area, and that secure and accessible cycle storage is provided to promote sustainable travel choices. The SPD further emphasises the need for adequate provision of refuse and cycle storage, in addition to compliance with density thresholds.
8. While the proposed change of use falls within acceptable thresholds for HMO density, compliance with these thresholds alone is not sufficient. The development must also meet the requirements for amenity, refuse, and cycle storage as set out in the relevant policies and guidance.
9. The appellant has proposed that cycle storage be provided in a neighbouring garage, accessed via the rear alleyway, under the terms of a lease agreement with the garage owner. While this arrangement offers a degree of security and legal standing for a fixed period, it does not provide a permanent solution for future occupants beyond the lease term. Additionally, reliance on an off-site facility may not fully meet the requirements of Policy T1, which seeks secure, convenient, and accessible cycle storage for all residents as part of the development.
10. With regard to refuse storage, the appellant contends that arrangements for internal storage or use of the rear yard are consistent with other properties in the street. However, HMOs typically generate greater volumes of refuse than single-family dwellings, and without formalised, hygienic, and accessible refuse storage, there is a risk of adverse impacts on amenity and public health. Policies D1 and H8 of the LP require that adequate refuse storage is provided to protect residential amenity and ensure the functionality of the development. The proposal does not demonstrate that sufficient provision has been made for refuse storage, and therefore fails to meet the requirements of the development plan.
11. Taking the above into account, I conclude that the development would have a significant detrimental effect on the living conditions of future occupants of the appeal property, resulting from inadequate provision for both refuse and cycle storage. Accordingly, the proposed change of use would conflict with Policies D1, H8 and T1 of the LP. These policies, among other things, require development to provide sufficient, convenient, secure and covered cycle storage, as well as adequate facilities for the storage of refuse, that would not result in harm to residential amenity.

Other Matters

12. The Council has raised some concerns about the effect of the proposed development on the character or appearance of the York Central Core

Conservation Area, Character Area Twenty: Bishophill (CA). As the appeal site is within the CA, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework also requires great weight should be given to the conservation of heritage assets, including conservation areas.

13. It appears that the significance of this CA relates to the historic layout and buildings associated with the 19th century residential development of Bishophill. The conservation area appraisal identifies the tranquillity and wholly residential character of the area as a distinctive characteristic of the area. The appeal property would remain substantially unchanged, and the residential use would be maintained. As such, the proposed change of use would have a neutral effect on the significance of the CA and would preserve its character and appearance.

Conclusion

14. The proposal conflicts with the development plan, when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

C Mayes

INSPECTOR