



Appeal Decision

Site visit made on 6 January 2026

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2026

Appeal Ref: APP/C2741/W/25/3372893

41 Sixth Avenue, York YO31 0UR

- 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 Ms Miranda Lam of York City Properties 2 Ltd against the decision of City of York Council.
 - The application Ref is 25/00194/FUL.
 - The development proposed is described as: 'Change of use from a dwellinghouse (Use Class C3) to a small House in Multiple Occupation ['HMO'] (Use Class C4)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would comply with the Council's development strategy with regard to the distribution of Houses in Multiple Occupation (HMOs); and, whether the proposal would include adequate off-street parking provision.

Reasons

Development Strategy

3. Policy H8 of the City of York Local Plan (2025) (the LP) forms the Council's development strategy with regard to the distribution of HMOs. The Policy has been included in the LP on the basis of evidence indicating a need to control the number of HMOs in an area, which are typically occupied by students, to ensure communities do not become imbalanced.
4. Policy H8 thus seeks to manage the supply of HMOs to avoid high concentrations in an area. As such, it sets out that applications for a change of use to an HMO are only permitted where: it is in a neighbourhood where less than 20% are known to be HMOs; and, where, less than 10% of properties within 100 metres of street length either side of the application property are known to be HMOs.
5. Whilst the Policy refers simply to street length, I am not convinced that the intention of the policy is to limit consideration to solely the street that appears in a property's address, particularly given cases such as that of the appeal property, which lies at the junction of two streets, Sixth Avenue and Fourth Avenue. Nevertheless, there is some clarification in the justification to the Policy, which refers simply to 'street level'. I am therefore satisfied that street level or street length for the purposes of the Policy comprises of those properties within 100

metres distance of the appeal property, as opposed to those within the wider neighbourhood.

6. The evidence provided by the Council indicates that within 100 metres of the appeal property, 9 of the 69 properties are HMOs, which equates to 13.04%. This rises to 14.49% when the appeal property is included.
7. Whilst the appellant doubts the accuracy of the data, arguing that the numbers of HMOs are likely lower, I am not provided with any alternative survey data from the appellant. The Council's data is based on council tax records, licensing records, records of planning permission and also include those otherwise known to the Council to be HMOs. On the basis of the evidence before me, I therefore find the Council's position more convincing than that of the appellant. This is reinforced by the comments received from the occupiers of neighbouring properties which suggest that the number of HMOs nearby is actually higher than the Council's figure.
8. Whilst only guidance, the City of York Council Draft Supplementary Planning Document Controlling the Concentration of Houses in Multiple Occupation (2014) (the SPD) recognises the effects of high concentrations of HMOs with regard to matters such as increased levels of crime and the fear of crime, changes in the nature of street activity, street character and natural surveillance by neighbours and the community outside of term times, standards of property maintenance and repair, littering and accumulation of rubbish, noise between dwellings at all times and the playing of music, particularly at night.
9. The 10% and 20% thresholds set out in Policy H8 of the LP were determined through consultation with communities having regard to minimising the issues set out in the SPD. These thresholds are considered by the Policy to be the point at which a local community can shift from being balanced to unbalanced. The street level figure is already firmly in excess of the 10% threshold. This indicates that the immediate area already suffers an imbalance and to permit further HMOs would unacceptably compound that imbalance.
10. On the basis of the above, the proposal would conflict with the Council's development strategy with regard to the distribution of HMOs and would conflict with Policy H8 of the LP in that regard.

Parking

11. On the site visit I saw that despite many properties along Sixth Avenue and Fourth Avenue having off-street parking, there was a reasonably high level of on-street parking taking place along both roads, including some vehicles parked on the pavement. The area immediately outside of the appeal property along the junction with Fourth Avenue has double yellow lines. Local residents highlight problems with parking in the area, particularly at school drop-off and pick-up times. My impression is therefore that there are reasonably high levels of parking stress in the locality.
12. The SPD and the justification to Policy H8 guides that in assessing applications for change of use to an HMO, applicants are required to demonstrate that there is sufficient space for potential additional cars to park and that the change of use and increase in number of residents will not result in the loss of front garden for hard

standing for parking and refuse areas which would detract from the existing street scene.

13. The appellant's Design and Access Statement cites the Council's Parking Standards (Residential (C1/C2/C3) – Special Categories) which requires HMOs to provide one car parking space per two bedrooms. Thus, for the appeal proposal, two car parking spaces are required. I consider this a reasonable requirement for an HMO of this size.
14. The appeal property has an existing driveway to the side with access onto Sixth Avenue. The application form states that there are two parking spaces at the appeal site and that this would be unchanged following the change of use. Whilst the Design and Access Statement refers to one of the parking spaces comprising of a garage, I saw that there was no garage at the site, which is understood to have been removed. The appeal statement refers to such a building being constructed in the future; however, I am not provided with any details of this, and this does not form part of the scheme that is before me.
15. Nonetheless, although the existing driveway could potentially accommodate two vehicles parked in tandem, there would be no means of exiting in the vehicle parked at the back of the site without requiring the forwardmost vehicle to be moved. The spaces would therefore not be independently accessible and given the nature of the C4 Use, it is likely that future occupiers would find parking on the highway more convenient. This would add to the existing parking pressures in the locality, inconveniencing local residents.
16. I therefore conclude that the proposal would not include adequate off-street parking provision. The proposal would therefore conflict with Policy H8 insofar as it requires proposals to demonstrate that there is sufficient space for potential additional vehicles to park.

Conclusion

17. The proposal is in direct conflict with the Council's development strategy with regard to the distribution of HMOs and would not include sufficient off-street parking. It would therefore conflict with the development plan. There are no material considerations that indicate a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR