



Report of the Chief Planning Officer

PLANS PANEL SOUTH & WEST

Date: 15th March 2018

Subject: Planning Application 17/03519/FU – APPEAL by White Owl Properties against the decision of Leeds City Council to refuse planning permission for

Change of use of a dwelling house into a four bedroom House in Multiple Occupation (Class Use C4) at 20 Conference Road, Armley, Leeds, LS12 3DX

The appeal was allowed 22 January 2018

Electoral Wards Affected:

Armely

Yes

Ward Members consulted
referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

Members are asked to note the following appeal decision.

1.0 BACKGROUND

- 1.1 This application sought planning permission for the conversion of a dwelling house in the C3 use class to a 4 bedroom House in Multiple Occupation (HMO). No external alterations to the property were proposed.
- 1.2 Officers assessed the application against the adopted Development Plan policies and focus was placed on Core Strategy Policy H6 (part A) which deals specifically with the change of use of housing into HMO's.
- 1.3 Officer recommendation was to grant planning permission and a view was expressed within the Panel Report (dated 3 August 2017 Panel meeting) that the loss of the family house would not have a detrimental impact on the character of the area, create any undue levels of housing imbalance by reason of the concentration of HMO's within the immediate area resulting in the loss of community cohesion and that the

change of use would not have any undue harm with regard to the demand for on-street parking, mainly due to the fact the number of bedrooms remained unchanged.

- 1.4 Contrary to the Officers recommendation of approval, Members of South and West Plans Panel resolved to withhold planning permission for the below reason:

The Local Planning Authority considers that the proposal, would make a significant contribution, (when considered cumulatively) to the existing high concentration of houses in multiple occupation and other similar forms of housing in this part of the City, which would further erode the housing balance within the area. The loss of a family house would cause harm to the character of the area; the loss of community cohesion; and an increase in the demand for on street parking. As such the proposal would be contrary to the Council's objectives to avoid high concentrations of houses in multiple occupation and to avoid the local housing and population imbalance and to achieve sustainable communities. Therefore the proposals fail to accord with the aims of Leeds Core Strategy Policy H6, saved Unitary Development Plan Policy GP5 and paragraph 17 of the National Planning Policy Framework (2012).

- 1.5 The application was consequently refused planning consent on 14th August 2017.

2.0 ISSUES IDENTIFIED BY THE INSPECTOR

- 2.1 The Inspector identified the main issues to be:

- The housing balance in the local area;
- The character of the surrounding area; and
- Highway safety and parking.

3.0 SUMMARY OF COMMENTS BY THE INSPECTOR

Housing Balance

- 3.1 Regarding to the loss of a family dwelling; the Inspector gave weight in his decision to the Appellant's statement that the property was marketed for one year as a single family dwelling and in that time no interest was shown by any persons to purchase the property. In addition he cites the Council's assessment in the Panel Report regarding the number of HMO properties within the local area, which showed there is not a high concentration of HMOs in the immediate locality (rather the assessment that there is a wider Ward issue adding to the proliferation of conversions to HMO's).
- 3.2 Based on Council Tax data (supplied by the Local Planning Authority in their Statement of Case defending the appeal) the Inspector noted that less than 10% of properties on Conference Road are currently in HMO use. Therefore, the Inspectors considered the immediate area surrounding the appeal property has a low concentration of HMOs. He also noted that whilst there are undoubtedly other HMOs in the wider area, he found that the proposal would not result in an undue imbalance of the housing mix of its surrounding area and would not harm community cohesion nor would it place pressure on local services and facilities and accordingly that the change of use was a Policy compliant form of development in respect of Policy H6 of the Core Strategy and saved Policy GP5 of the UDP as well as the relevant sections of the NPPF.

Character and Appearance

- 3.3 The Council's refusal reason indicates that the proposed loss of a family dwelling would harm the character of the area. The Inspector noted that the proposal would not alter the external appearance of the property and that the proposed change of use would retain the property in residential use and therefore its character would remain the same.
- 3.4 The Inspector does acknowledge that the potential change in the activity patterns of the occupiers of the appeal property may alter due to the proposed change of use and there would likely be increased comings and goings. However, he reaches a view that such changes would be minimal and differ little from that of a single family four bedroom dwelling. As a result, this would have no material impact on the character of the property, its surrounding area or neighbouring occupiers and limited weight is applied to the Council's assertion regarding a harmful impact to local character.
- 3.5 The Inspector concluded that the proposed change of use would have no significant impact on the character or appearance of the surrounding area and is compliant with Policy H6 of the Core Strategy and saved Policy GP5 of the UDP as well as the relevant guidance contained within the NPPF.

Highway safety and Parking

- 3.6 The Inspector noted no off-street parking provision on Conference Road and the adjacent streets. The on-street parking is unrestricted and at the time of his site visit, there was ample space available for parking on nearby streets close to the appeal property and that the proposed change of use would not result in any increase in the amount of accommodation which the property would provide.
- 3.7 The Inspector sets out that the property as existing is suitable for use as a single family dwelling which reasonably could accommodate up to five people within its four bedrooms. As a HMO, the property is identified as providing accommodation for four independent adults. Whilst this change in occupiers may introduce the potential for an increase in the number of vehicles connected with the property, he notes that the area is well-connected to local services and facilities. As such, it is reasonable to consider that not all future occupiers of the property as a HMO would own a private car. Limited weight was applied to the comments of neighbouring occupiers with regard to the potential adverse impact on parking and highway safety in the absence of any supporting evidence.
- 3.8 The Inspector determined that the potential of the proposed change of use to increase the number of vehicles seeking on-street parking in the area would be limited and therefore demand for such parking would not materially increased.

Other matters

- 3.9 With regard to the potential for additional noise and disturbance, and an increased in waste generation and statement made by objectors that the future occupiers will engage in criminal activities. The latter issue is speculation and the Inspector notes this. There is no requirement for details of future occupiers to be divulged. Conditions can adequately deal with bin storage and waste concerns to make the proposal acceptable in planning terms.
- 3.10 In terms of noise and disturbance; the Inspector notes that the proposal does not

intend to increase the amount of accommodation available at the property, by either extensions or increasing the number of bedrooms. It is acknowledged in the appeal decision that the use of the property as a HMO may differ from that of a single family dwelling in terms of increased comings and goings by occupiers. However, on the basis of the evidence before the Inspector, he finds that noise and disturbance from the increased internal use by individual adults within a HMO, would not be significantly greater than that resulting from a single family in the four bedroom appeal property.

CONCLUSIONS

- 3.11 The Inspector concluded that change of use to a 4 bed HMO would have not have a detrimental impact on the areas housing balance or influence on character and appearance with no material impact on general amenity or highway safety. Conditions have been imposed relating to time limits, compliance with the approved plans and prior to development details of cycle parking facilities and bin storage to be provided and retained.

IMPLICATIONS

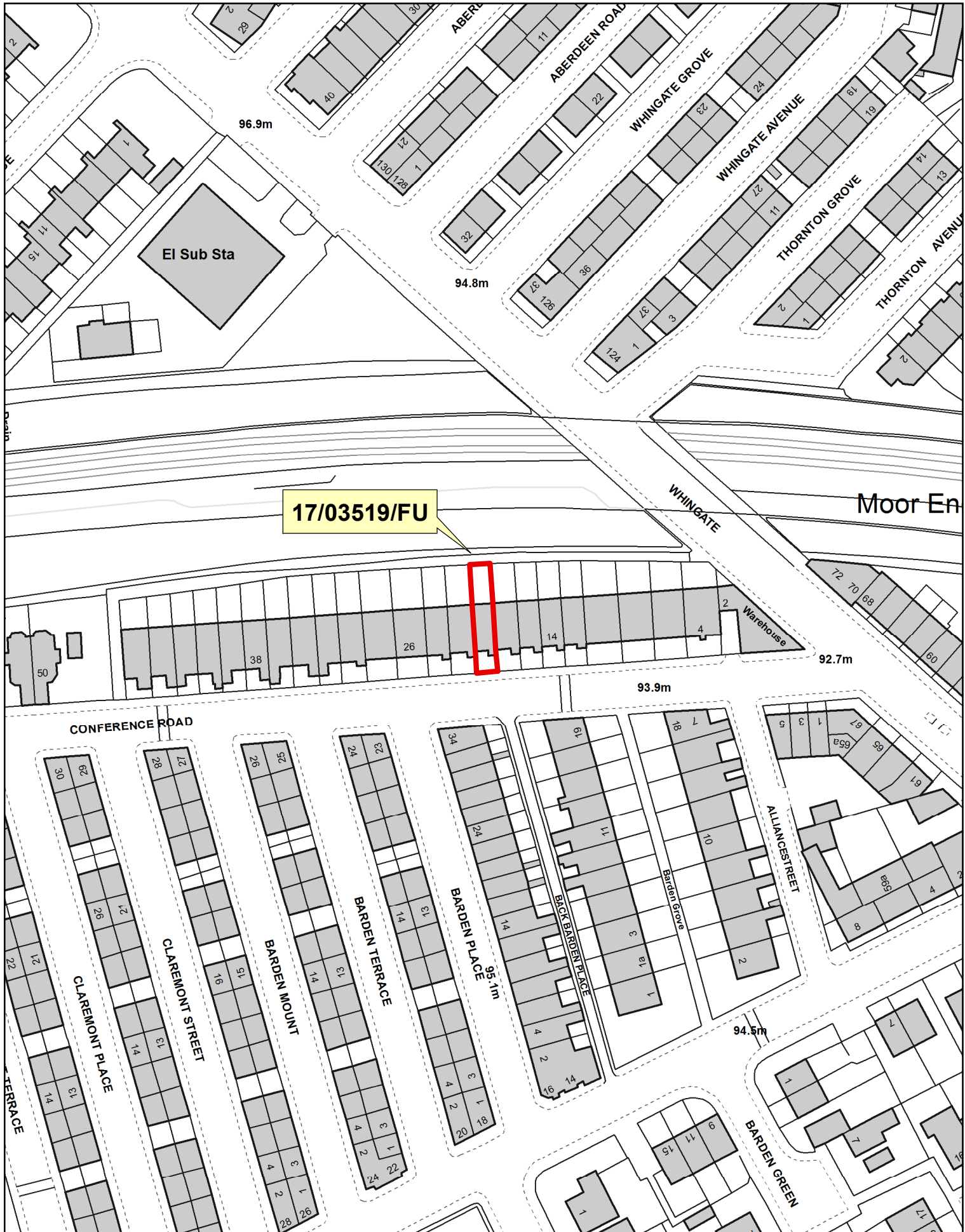
- 4.0 Whilst the Armley ward is identified in the Officers Delegated Report of this application, as beginning to show detrimental impacts associated with high concentrations of HMO's the Inspectors decision indicates that that to demonstrate a high concentration as required by Policy H6 then that needs to be taken from the immediate area rather than applying a ward wide assessment.
- 4.1 Whilst H6 is void of any definition of what constitutes a high concentration the appeal decision strongly suggests that focus needs to be on the immediacy of the quantum of conversions of family housing rather than a ward wide blanket approach to attribute undue harm to housing balance by using a wider area assessment. Each case still needs to be assessed on its merits and without a clear definition of high concentration then it remains planning judgement. It seems to Officers that the meaning of high concentration in H6 is clearly not meant as a ward wide reaction but this has being in part the application of the policy in the case of No.20 and perhaps other HMO applications in Wards identified as showing increasing levels of conversions to HMO's and flats. A separate Appeal Decision, dated 28th December 2017 at 54 Longroyd Grove, Beeston, LS11 (ref 17/02702/FU) supports this assertion, and costs were awarded to the appellants (despite the appeal being dismissed on other grounds) as the LPA referred to high concentrations of HMO's within the general LS11 area, rather than the immediate locality,
- 4.2 This appeal decision indicates a four bedroom HMO would be no more harmful than a family house and future assessments of applications for four bedroom HMO's would need to bare this in mind. However, a proposal which increased the number of bedrooms through a HMO proposal could still be regarded by the LPA to have a greater impact on the character of an area. This is due to the increased activities and the way the property operates with multiple unrelated residents who would be independent from each other, and this can be regarded as falling outside what can be regarded as being within the same operational realms as a family home in respect of comings and goings as well as, noise and disturbance.
- 4.3 All HMO occupiers would in all likelihood not own a private vehicle; the Inspector notes this and any therefore assessment of future applications for conversions to a HMO would need to address this likelihood. It may be difficult to argue undue

exacerbation of on-street parking in areas where the house types/age do not offer off-street facilities i.e. older terraced properties where the LPA are most likely to receive applications for HMO's conversion.

Background Papers

Planning Application File

Inspector's Decision Letter



SOUTH AND WEST PLANS PANEL

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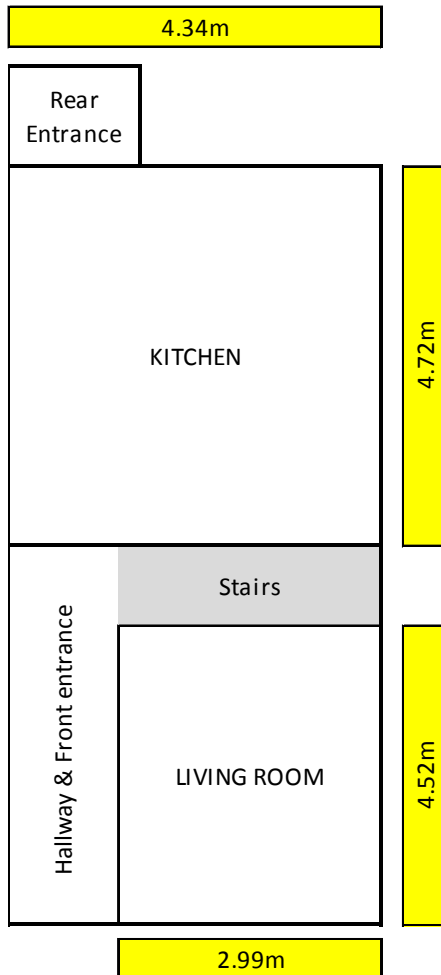
PRODUCED BY CITY DEVELOPMENT, GIS MAPPING & DATA TEAM, LEEDS CITY COUNCIL

SCALE : 1/1000



20 Conference Road, Armley, LS12 3DX

Ground Floor:



Entrance Hallway:

Access via a front entrance door with an original stained glass window above, original ceiling mouldings and cornice, dado rail, central heating radiator, laminated wood floor, stairs to the first floor.

Living Room: 9' 10" x 14'10" (2.74m 0.25m x 4.52m)

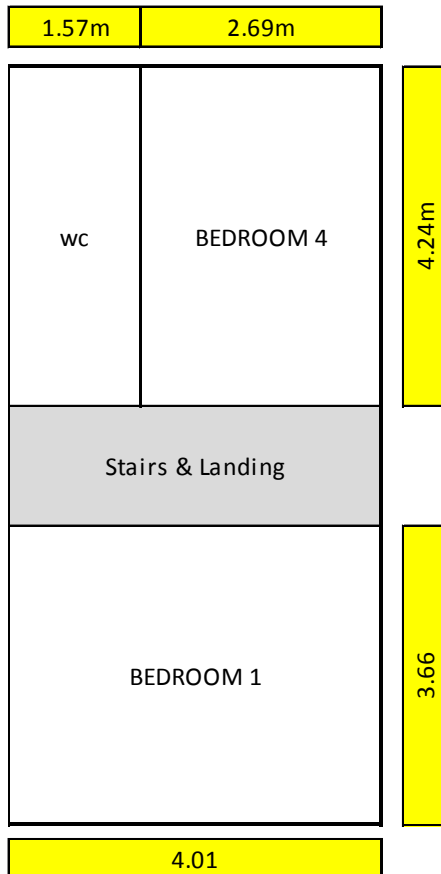
Double glazed bay window to the front elevation, original ceiling coving, a fire surround with a tiled back and an inset coal effect living flame gas fire, television point with connections for Sky, deep skirting boards, dipped and stripped internal door, central heating radiator

Fitted Dining Kitchen: 14'03" x 15'06" (4.34m x 4.72m)

Double glazed window to the rear elevation, a modern yet contemporary range of fitted wall, drawer & base units, display shelving, complimentary work surfaces, a stainless steel double sink and drainer unit with a mixer tap, a modern range style oven with gas burners, a contemporary extractor hood above, plumbing for an automatic washing machine, space for a fridge / freezer, dining area, access to the cellars, inset ceiling lights, original ceiling coving, dipped and stripped internal doors, central heating radiator

20 Conference Road, Armley, LS12 3DX

1st Floor:



Landing:

Access to the first floor accommodation, stairs rising to the second floor.

Bedroom One: 12'00" x 13'02" (3.66m x 4.01m)

Two double glazed windows to the front elevation, central heating radiator, laminated wood floor.

Bedroom Four: 8'10" x 13'11" (2.69m x 4.24m)

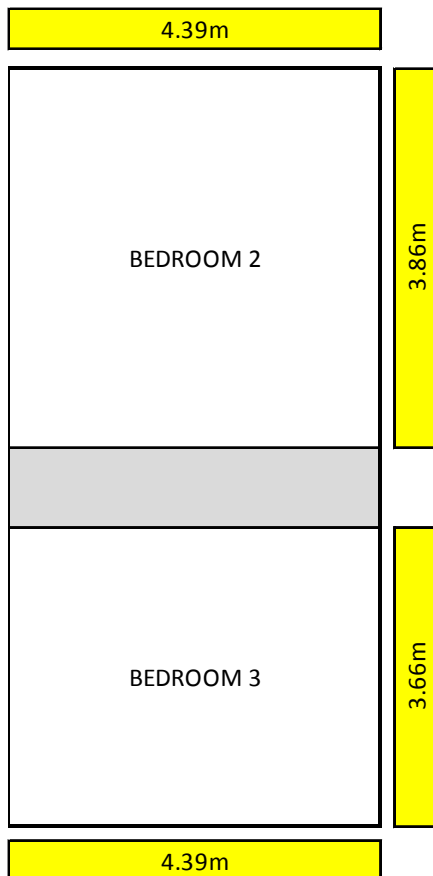
Double glazed window to the rear elevation, central heating radiator, laminated wood floor, ceiling coving.

Bathroom / WC: 14'00" x 5'02" (4.27m x 1.57m)

Double glazed window to the rear elevation, a white suite comprising of a shower bath with a plumbed shower above, a wash basin set onto a vanity stand, a low flush WC with a concealed cistern, half panelled and painted walls, original Victorian tiled flooring, central heating radiator, storage cupboard

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2nd Floor:



Bedroom Two: 14'05" x 12'08" (4.39m x 3.86m)

Double glazed dormer window to the front elevation, laminated wood floor, central heating radiator, storage to the eaves, inset ceiling lighting

Bedroom Three: 14'05" x 12" (4.39m x 3.66m)

Double glazed Velux window to the rear elevation, storage to the eaves, central heating radiator.