

# Planning Support Statement for a Change of Use from C4 (House in Multiple Occupation), to a large HMO for 7 occupants, Sui Generis Use, at 6 Buckingham Mount, Headingley, Leeds, LS6 1DN

## Forward

The existing building currently accommodates 6 bedrooms and provides a communal lounge and a communal kitchen, and is therefore operated as a 6 bedroomed HMO.

Two recent planning applications have been submitted to try and convert the basement into a separate independent flat.

Although this level has been identified as a „basement“ it is effectively a lower ground floor, as it is above ground level at the rear – where access is achieved into the building through a communal shared kitchen.

The front garden comprises of a lawned slope, although this has recently been levelled to that close to the adjacent highway – this constitutes unauthorised engineering works, and needs to be addressed. The works were wrongly undertaken in the belief that it did not require the benefit of a planning application.

Two recent previous applications have been submitted and refused. Both of them were to establish a basement flat.

The current revised application seeks to address all the reasons for refusal.

## Synopsis

This application is for the change of use of an existing six bedroom HMO to a 7 bedroomed HMO. The extra bedroom being created in the basement space – which is currently un-occupied.

The communal kitchen and lounge remain on their respective floors, and a new store/utility space is created, adjacent to the new bedroom, and this will serve to benefit all of the occupiers.

A new bedroom window is positioned over a previous window opening, and design detail addressed accordingly to match the existing detail above.

The engineering works, that have removed the front earth banking, are to be re-positioned similar to its original status.

The earthworks, as amended, will allow for adequate outlook from the new bedroom window.

The proposal is considered to accord with all aspects of the relevant planning policy in the local plan and accords with guidance of good design in the NPPF.

## Site Description

The application site relates to a mid-terraced property which is currently used as a six-bedroom HMO (C4 use) split over 4 floors of accommodation. The property is constructed of brick with a slate roof. The property is two storeys in scale to its front elevation, and three storey to its rear elevation, with additional accommodation within the roof. The property has an existing small box-style dormer window to the rear. A small amenity yard, which is largely hard-surfaced and used for parking is available to the rear. The front garden areas of the terrace are open and landscaped in nature and slope upward from the front highway towards the terrace.



The front garden area of the property has been significantly excavated with large brick retaining walls to either side. These engineering works are unauthorised, and will be replaced/removed..



The surrounding area is predominantly residential consisting of mainly high density residential development formed by long terraced rows. Note the distinct slope to the front gardens, which will be replicated, through the revised proposed scheme.

## Planning History

**23/02192/FU - Conversion and alterations to four storey House in Multiple Occupation (C4 use) to form a three storey House in Multiple Occupation (C4 use) with separate 1- bed self contained flat to basement (C3 use), with landscaping works to front and rear garden areas.(Refused – 14.06.2023).**

### Reason for Refusal:

1) It is considered that the proposed alterations including the new basement openings and excavations/changes and structures to the front garden area by reason of their unsympathetic design, form, siting and detailing would be detrimental to the character and appearance of the existing dwelling and present streetscene, contrary to Policy P10 of the Core Strategy (as amended), Policy HD1 of the Headingley Neighbourhood Plan, saved policies GP5 and BD6 of the UDPR and guidance contained within the NPPF and the Headingley and Hyde Park Neighbourhood Design Statement SPG.

2) The Local Authority considers that the new basement flat would fail to provide adequate living conditions for future occupiers in relation to outlook and natural light to the detriment of their amenity. The proposed re-configured HMO also provides very limited shared spaces and fails to provide

adequate living conditions for the future occupiers to the detriment of their amenity, whilst the rear garden area provides a convoluted design which presents difficulties for car parking, safe access of the properties and bin / cycle storage to the detriment of general amenity, contrary to policies P10, and H6 of the Core Strategy, policy HD1 of the Headingley Neighbourhood Plan, policies GP5 of the UDPR and guidance contained within the NPPF

**22/08322/FU - Conversion and alterations to four storey House in Multiple Occupation (C4 use) to form a three storey House in Multiple Occupation (C4 use) with separate self contained flat to basement (C3 use) – (Refused - 06.03.2023).**

Reason for Refusal

1) It is considered that the proposed alterations including the new basement openings and excavations of the front garden area by reason of their unsympathetic design, form, siting and detailing would be detrimental to the character and appearance of the existing dwelling and present streetscene, contrary to Policy P10 of the Core Strategy (as amended), Policy HD1 of the Headingley Neighbourhood Plan, saved policies GP5 and BD6 of the UDPR and guidance contained within the NPPF and the Headingley and Hyde Park Neighbourhood Design Statement SPG.

2) The Local Authority considers that the new basement flat is substandard in size and does not meet the required minimum space standards, failing to provide adequate living conditions for the future occupiers to the detriment of their amenity. The proposed reconfigured HMO also provides very limited shared spaces and fails to provide adequate living conditions for the future occupiers to the detriment of their amenity, contrary to policies P10, H9 and H6 of the Core Strategy, policy HD1 of the Headingley Neighbourhood Plan, policies GP5 of the UDPR and guidance contained within the NPPF

## Policies and Guidance

Leeds Core Strategy, as amended (2019)

P10 - Seeks to ensure that new development is well designed and respects its context.

T2 - Seeks to ensure that new development does not harm highway safety.

H2 – New housing development on non-allocated sites

H6 – Houses in Multiple Occupation (HMO's), Student Accommodation and Flat conversions

H9 - Minimum Space Standards for new dwellings

Natural Resources and Waste DPD (2013):

General Policy 1 General planning considerations

Water 6 Flood Risk Assessments

Water 7 Surface Water Run Off

Headingley Neighbourhood Plan (2022 – 23)

Policy HOU1 – Housing Mix in Headingley

Policy HD1 – Design Guidance and Character Areas

Saved UDPR (2006) Policies:

GP5 - Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

BD6 - All alterations and extensions should respect the scale, form, detailing and materials of

the original building.

### Supplementary Planning Guidance

Transport SPD

Neighbourhoods For Living SPD

Headingley and Hyde Park Neighbourhood Design Statement (NDS) SPG

### National Planning Policy Framework (2021)

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally prepared plans for housing and other development can be produced. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.

Chapter 5 relates to delivering a sufficient supply of homes. Paragraph 69 highlights that "Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly".

Chapter 12 - Achieving well-designed places, states in paragraph 126 that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities".

Paragraph 130 states that:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Paragraph 132 states:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with

the community should be looked on more favourably than those that cannot. “

Paragraph 134 states:

“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

Paragraph 111 of the NPPF advises that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

## The Proposal

### Principle of Development

The site is situated in Headingley within the main urban area of Leeds. The main urban area is situated at the top of the defined settlement hierarchy within the Core Strategy and is considered to be the main focus for housing delivery within the city, given its generally good accessibility to key services and community facilities.

The proposal is for a change of use from a 6 bed HMO, C4 use to a 7 bed HMO, Sui Generis use.

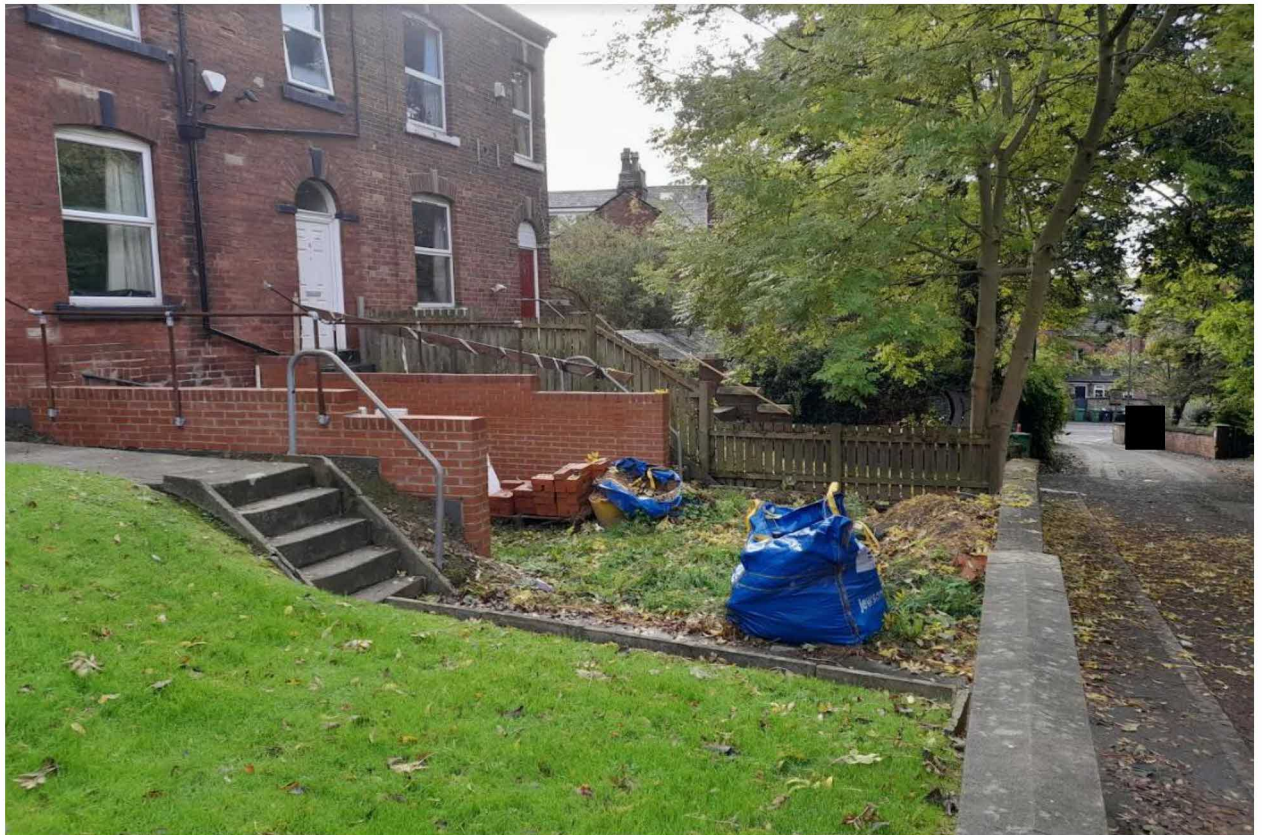
The principle of development is therefore considered to be acceptable, subject to no design or amenity concerns raised by the proposed alterations.

### Character and Appearance

The conversion to provide an extra bedroom, provides a new window, that reflects the width and design of the windows above, albeit with a slightly lower overall height. The arched design, characteristic of the other windows on this elevation, is to be replicated.

The concern raised in the previous refusal suggesting that the new window opening visually makes the elevation of 3 stories rather than two, and therefore impacts on the established visual appearance of the street, is somewhat exaggerated.

The slope of the land results in a significant increase in the amount of front steps for each dwelling, north to south. The frontage on the adjacent dwelling to the south has already been adapted to incorporate a large habitable room window, as it is easily attainable, due to the larger amount of lower ground space in the dwelling. The relationship in levels, is similar to that of No.6, therefore allowing for an extra floor to be identified and utilised in this sloping terrace. The resultant new window, as also for the adjacent dwelling, suggests that there is no visual harm that can be afforded the visual design of this terrace.



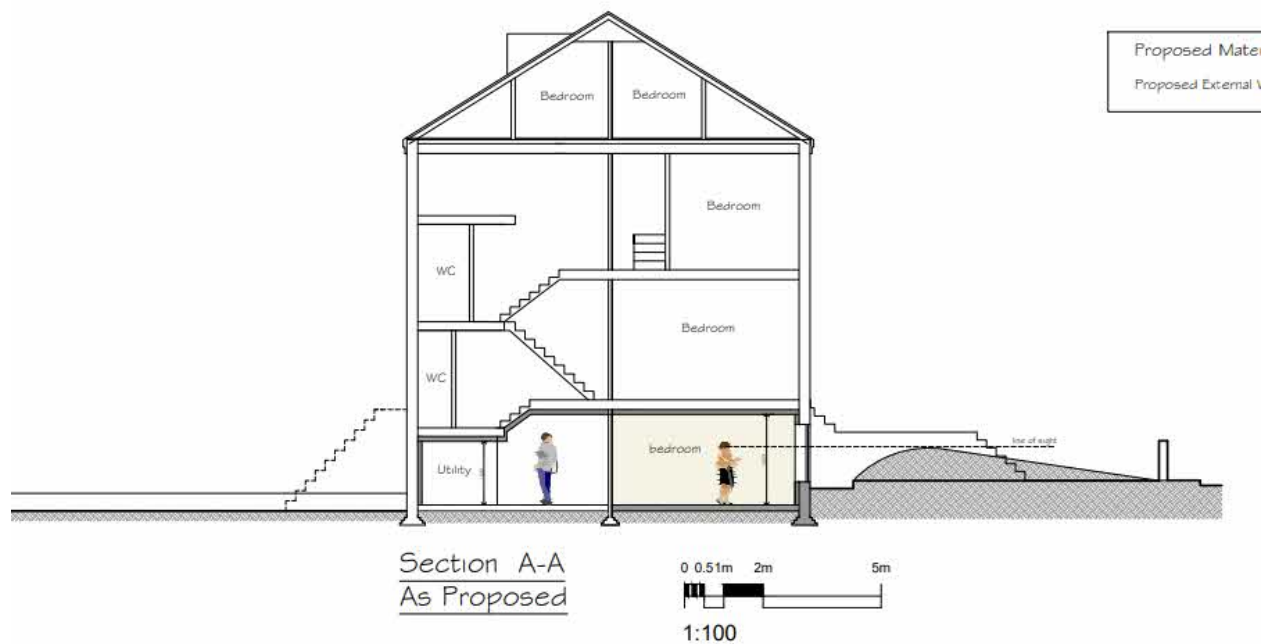
Evidence of a bricked-up window can be seen from the two photographs below. The proposal is reinstating, although making slightly larger, an opening that historically existed on the dwelling.





The internal floor height for the new bedroom, will be lowered, to allow for more usable habitable space.

The earth to the front garden , that had until now, been removed, will be re-instated to form a mound that serves to respect the slope relative to the heights in adjacent gardens – there is an historically identified slope in the front gardens, flowing from east to west. The height of the newly positioned slope serves to allow for an observational outlook, taken as the head-height of the average adult woman (1.6m tall), across the front garden and beyond. A reasonable outlook is therefore attained for the occupiers accordingly.



Outlook from new bedroom window.

## Residential Amenity

Internally, the lounge and communal kitchen will remain in situ, and a new store/utility room will be created so as to allow for more communal storage and usable space. The new bedroom will have adequate space for a double bed, desk area and storage space accordingly.

Externally, the grassed lawn will be re-instated, and the earth mound so shaped, as to allow for significant natural light to enter the new bedroom. The brick walls, either side of the front garden, will be removed in their entirety.

## Parking

Parking off street, is again shown to accommodate 4 vehicles. It is of note that under the last application, Highways have suggested that a lower figure may be acceptable, and one also needs to take into account that the site is located in an established residential area with good transport links to local services and community facilities.



Bins

Bin storage is shown on site to be able to accommodate the number of bins required for the property. Note that it has become accepted practice for bins to be left on mass, at the top corner of the street as shown on the photograph below.



## Summary

The proposed change of use application has sought to make significant amendments to how this property can be re-developed without leading to any harm regarding design and internal and external amenity.

A further basement bedroom can be successfully achieved and provide reasonable internal and external amenity for the occupier. An outlook is maintained, and landscaping is repaired accordingly, with a grassed slope re-instated. The brick side walls, at the sides of the front garden, are to be removed and the historical window re-opened. This window will replicate the width of other windows above, and the historical arch design will be added. Significant symmetry will be attained accordingly.

The design concern raised in a previous application, regarding changing the nature of the streetscene by introducing the extra floor, as a visual concern, really carries no weight, as the land slopes from north to south, therefore allowing for an extra lower ground floor to be utilised, without un-balancing the terrace as a whole, within the streetscape.

Internal space for the new bedroom will be on a par or greater in volume than the existing bedrooms in the property, and a new store/utility space will be created for electric/gas connections, and can also be used for the storage of household appliances and electrical facilities.

Parking and bins are presented as in previous applications, as no significant consultee concerns have been raised.

The proposal represents good design and accords with guidance in the NPPF.

The proposal also accords with all relevant policies in the Local Plan and Core Strategy, as well as guidance in the Headingley Neighbourhood Plan and various SPD's.

Accordingly the Proposal should be supported by the LPA.