The Planning Inspectorate

Appeal Decision

Site visit made on 7 December 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/B4215/W/21/3280118
Gorton Mount Hotel, 187 Mount Road, Manchester M18 7QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Puskaric (Genuine Property Investments Limited) against the decision of Manchester City Council.
- The application Ref 130073/FO/2021, dated 15 April 2021, was refused by notice dated 17 June 2021.
- The development proposed is described as 'change of use from a public house with residential accommodation above to a guest house (Use Class C1).'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, it was apparent that the first floor of the appeal building was in use as a guest house, with the ground floor utilised for a small reception area and storage. It is uncontested between the main parties that the appeal property has a long-standing use as a public house at ground floor level with some residential accommodation above.

3. Nonetheless, there is little firm evidence before me to substantiate that the existing first floor guest house has the benefit of planning permission. Moreover, it is not within my remit to determine whether the existing first floor guest house use is lawful within the context of this appeal. For the avoidance of doubt, my determination of this appeal is therefore based on the drawings submitted, and this context.

Main Issues

4. The main issues are the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with specific regard to noise and disturbance; and the effect of the proposed development on the character of the area.

Reasons

Living Conditions

5. The appeal building is next to the junction of Mount Road and Darras Road. Mount Road is a busy highway, with a number of local shops situated on it. However, it was apparent on my site visit that Darras Road and Ryton Avenue, which are directly to the south and east of the appeal site respectively, are relatively quiet residential streets.

6. The appellant contends that the use of the appeal building for a 15 bedroom guest house would be consistent with its scale. Nonetheless, it would have the potential to accommodate considerable numbers of transient guests at any one time. This level of activity would result in noise from the comings and goings of these patrons and staff, whether by foot, or by private car or taxi. This could be from car engines, car audio systems, slamming of doors and people conversing at any time of the day, including when the residents of nearby dwellings would reasonably expect a certain degree of peace and quiet.

7. The submitted plans show that 4 of the proposed 11 off street car parking spaces would be located in the gated rear yard space adjacent to the side and back garden area of 1 Ryton Avenue. On my site visit I noted that No 1 has a number of openings within its side and rear elevation, which would be in proximity to the proposed turning head and parking spaces. The appellant contends that the accommodation is not geared to the use of the outside areas, and that arrivals and departures would take place from the main road frontage entrance. However, given the relationship between the proposed gated rear car parking area and the windows and garden area of No 1 there is potential for unacceptable levels of noise and disturbance, as described above, to affect the residents of this neighbouring property unacceptably.

8. There is also no firm evidence before me to substantiate that this area has historically been used for parking and/or as a beer garden. Moreover, the intensity and impacts of the proposed use would likely be transient and could take place 24 hours a day. Therefore, notwithstanding the Council's Highway Engineer's comments in respect of vehicular trip generation, these impacts would be materially different from a public house, as a pub's hours of operation can be controlled by licensing legislation. As the appellant also accepts, the proposed guest house would also be likely to have more car-based visitors than the former public house use.

9. I appreciate that a live-in manager would have access to CCTV, that they would be available on site to deal with any issues arising, and would manage the use of the parking through the booking system and website. I have been made aware that notices to encourage good neighbourliness would be displayed inside and outside of the appeal building, and that reception would close at 21:00 hours. It has also been put to me that no bookings would be taken for arrivals after that time. In addition, the gated rear parking area is proposed to only be available between 08:00 and 21:00 hours, each day of the week.

10. Whilst I accept that effective management, including the use of CCTV may moderate effects, they are principally designed to manage extreme instances of disturbance. In any case, planning conditions to secure these measures would not prevent guests or staff from entering or leaving the building. Furthermore, should the limited amount of parking spaces on the open fronted forecourt of the site be occupied when the proposed gated rear parking area is locked, guests who have already checked in and returned late, or who may have to leave early would have to park on the nearby residential streets. Therefore, although the night time closure of the proposed rear car parking area may help reduce its effect on the living conditions to the occupiers of No 1, it would not prevent harm arising from the noise and disturbance that I have identified above to the residents on Darras Road and Ryton Avenue.

11. Furthermore, there is little evidence to demonstrate the levels of occupation and activity on the site over the past 18 months. Although the appellant has referred to booking records provided in the previous appeal on this site (Ref: APP/B4215/W/20/3263248) this information is not before me. In light of the above, a planning condition to ensure that the proposal is operated in accordance with the features set out in the planning statement would therefore not overcome my concerns in regard to this main issue.

12. As such, I find that the proposed development would have a harmful effect on the occupiers of neighbouring dwellings, in respect of noise and disturbance. Conflict would arise with Policies CC4, DM1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS) and Saved Policy DC26 of the Unitary Development Plan for the City of Manchester 1995 (UDP). These seek, amongst other things, to protect amenity, having regard to the effect of new development proposals which are likely to be generators of noise. The explanatory text to Policy CC4 also requires the planning process to be used as an opportunity to improve the quality of hotel developments. Given my findings in respect of living conditions above, the proposal would fail to do this.

Character

13. The appeal site is not situated on a main radial route, or within the City Centre or a District Centre. It is also not in a location devoted to leisure or recreation activity. Nonetheless, it is undisputed between the main parties that the appeal building has a long-established use as a public house. There are also other community and retail uses located on Mount Road which result in the character of the area being in mixed use. Furthermore, CS Policy CC4 supports new hotels that contribute to the quality of the City Centre hotel offer and outside of the City Centre where they support visitor-oriented development. Notwithstanding my findings in respect of the living conditions of the residents of neighbouring dwellings, which includes the intensification of the use, and the conflict with CS Policy CC4 in this regard, I consider the principle of the development to be acceptable in this context.

14. As a consequence, I find that the proposed development would not cause any material harm to the character of the area. No conflict would therefore arise with CS Policies SP1 and DM1 in terms of character and the general principle of the development proposed at a strategic level.

Other Matters

15. The Council have substantive concerns over the provision of car parking at the appeal site in that 11 spaces would represent an under provision for the number of rooms in the proposed development. I am mindful of the aims of Policy T2 of the CS albeit it refers to guidance on parking provision, suggesting also that account should be taken of accessibility of a given development. With this and the views of the Council's Highways Engineers in mind, 11 parking spaces would be sufficient to meet the needs of the proposed development and the circumstances of its location.

16. There would be some limited economic benefits associated with the proposal and bringing a local landmark building back into use. However, the lack of objections from local residents is not a determining factor in the consideration of an appeal. The question is whether there would be unacceptable harm in

respect of, in this particular case, living conditions even if objections have not been lodged.

17. I have also had regard to a press report that the appellant has provided, and an argument that a public house has more potential for anti-social behaviour than the proposed use due to the consumption of alcohol. Nonetheless, the press report appears to relate to an isolated incident and there is no firm evidence that such an occurrence, which is ultimately a matter for the relevant authorities in specific instances, would be attributed to customers of public houses in general.

18. Both main parties have also referred to the previous temporary use of the appeal building for the housing of homeless people, at the Council's request. However, this has had no bearing on the outcome of this appeal as I have only had regard to the planning merits of the proposal that is before me.

19. My attention has been drawn to an appeal decision for a bed and breakfast guest house in Stretford (Ref: APP/Q4245/W/17/3188698). However, that scheme comprised 8 bedrooms and was a much smaller scale development than what is proposed in this case. Accordingly, its circumstances are not directly comparable with those which apply in this appeal.

20. I have also had regard to an earlier appeal decision at the site for an 18 bedroom guest house (Ref: APP/B4215/W/20/3263248) and the proposed changes to the layout and its operation. These include the reduced number of proposed bedrooms, the use of the rear door as a fire exit, screen planting, and the location of the outside smoking area and waste bin on the front forecourt. I note that the appellant considers that all issues previously raised by the Inspector have been addressed. However, for the reasons given above, I continue to find that the scheme conflicts with current development plan policies as it would fail to safeguard the living conditions of the occupiers of neighbouring properties.

Conclusion

21. I have found that there would be no adverse impact on the character of the area, and that the proposal would bring benefits of limited weight. However, these considerations would not be sufficient to outweigh the harm that I have identified in regard to the proposal's effect on the living conditions of neighbouring residents, in respect of noise and disturbance. I attach substantial weight to this and the subsequent conflict with the development plan. There are therefore no material considerations worthy of sufficient weight that would indicate a decision otherwise than in accordance with it. The appeal should thus be dismissed.

Mark Caine

INSPECTOR