The Planning Inspectorate

Appeal Decision

Site visit made on 14 July 2020

by Helen B Hockenhull BA (Hons) B. Pl MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 July 2020

Appeal Ref: APP/B4215/W/19/3239706
7 Balmoral Road, Manchester M14 6WG

- 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 Rory Dillon against the decision of Manchester City Council.
- The application Ref 124480/FO/2019, dated 8 August 2019, was refused by notice dated 2 October 2019.
- The development proposed is the change of use from Class C4 small HMO (6 bed) to Sui Generis large HMO (8 bed).

Decision

1. The appeal is allowed and planning permission is granted for the change of use from Class C4 small HMO (6 bed) to Sui Generis large HMO (8 bed) at 7 Balmoral Road, Manchester M14 6WG in accordance with the terms of the application, Ref 24480/FO/2019 , dated 8 August 2019, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan with a red edge; Site location plan detailing general external arrangements; Existing plans Ref: 1084-005 Rev B; Existing loft & roof plans 1084-005 Rev B; Proposed ground floor and first floor plans 1084-005 Rev B; Proposed loft & roof plan 1084-005 Rev B.

    3) The planning permission hereby granted relates to the formation of an 8-bedroom house in multiple occupation (sui generis HMO).

    4) The development shall be implemented in accordance with the submitted waste management arrangements comprising Waste Management Strategy Pro forma and Site location plan detailing general external arrangements.

Main Issues

2. The main issues in this case are:

    - whether the proposal would result in an over intensive use;
    - the effect of the proposal on the living conditions of nearby residential occupiers with regard to noise and disturbance and the provision of appropriate waste management facilities;

- the effect of the proposal on highway safety and the demand for car parking;
- the effect of transient occupants on the character and appearance of the area and the formation of sustainable communities.

Reasons

Over intensive use

3. The appeal property forms a mid-terrace 6-bedroom house located on Balmoral Road in Fallowfield. The property is currently used as student accommodation and has been extended to provide accommodation in the roof space. The submitted scheme proposes alterations to the internal layout to provide a further 2 bedrooms, creating 8 in total.

4. The Council's Houses in Multiple Occupation Guidance and Standards Document requires a 1-person bedroom to be a minimum of 6.5 square metres in floor area. Shelter's Guidance advises that a bedroom for 2 adults should have a minimum of 10.22 square metres floorspace. The bedrooms proposed in the appeal scheme would exceed this guidance. The Council has raised concern that control over the number of occupants of each bedroom would be unenforceable through planning conditions. Whilst I accept this to be the case, the HMO license would specify the maximum number of people that could occupy the property. Overall, I am satisfied that adequate controls would be in place to ensure that each bedroom is occupied by a single person.

5. In terms of the amount of external amenity space for future occupants, there is a rear yard of around 20 square metres. The Council has no specific guidance on the amount of amenity space required for a large HMO. The appellant has referred to the Council's Residential Quality Guidance 2017 which provides some advice in this respect for other types of residential accommodation. The proposed 8 bed HMO would overall comply with this guidance. As I have no evidence to the contrary, I am satisfied that the space available would provide usable private amenity space for future occupants.

6. I acknowledge the Council's concerns that the proposed provision of an external cycle store would reduce the available outdoor space and external clothes drying facilities etc. However alternative drying arrangements can be provided inside the property.

7. The scheme proposes the conversion of an existing ground floor living room to a bedroom leaving a front lounge and a large kitchen as communal living space. The Council raise concern that this would result in limited communal living area within the property for future occupants. I have been provided with no evidence that the resultant communal living space would be below that required by the Council's Houses in Multiple Occupation Guidance and Standards Document. Furthermore, the reason for refusal does not specifically state that the standard of accommodation e.g. internal floor space, layout, storage facilities etc would be substandard. Accordingly, I consider that the accommodation would be acceptable in this regard.

8. In summary, whilst I acknowledge that the appeal property forms a modest mid terrace house, I conclude that the proposal would not result in cramped living conditions or an over intensive use. It would therefore comply with Policy DM1 and SP1 of the Core Strategy for the City of Manchester. These policies

seek to provide adequate internal accommodation and external amenity space. It would also comply with the National Planning Policy Framework (the Framework) which in paragraph 127 aims to ensure that developments achieve a high standard of amenity for existing and future users.

Living conditions

9. I am advised that the shared housing in this area generally comprises Class 4 HMO's occupied by no more than 6 people. The appeal proposal for a larger HMO with 8 occupants would not be in keeping with the predominant level of occupation in the locality. However, in any residential area there could be a varying number of occupants in individual properties, from single persons to large and extended families.

10. The existing use of the appeal property will generate a certain level of noise and disturbance from the activities and comings and goings of the occupants. The appeal proposal would bring the potential for increased noise particularly in the evening and at weekends. However, the likely increase in noise from the addition of 2 bedrooms, would not in my view be so significant as to adversely impact on the living conditions of occupiers of nearby residential properties.

11. I have been provided with no evidence of noise complaints in the area due to the nature of the current use or the number of shared houses in the locality. Furthermore, no objection was raised to the appeal scheme by the Council's Environmental Health Team.

12. The Council and the appellant have brought my attention to a number of appeal decisions for similar development proposals. Each case recognises the potential for increased noise resulting in a negative impact on residential amenity. Whilst I have had regard to these cases, each proposal should be considered on its individual merits having regard to its context.

13. Currently the property is serviced by a shared waste storage facility in the rear alleyway. I am satisfied that this provides sufficient storage capacity to meet the increased refuse needs should the appeal proceed and to adhere to the Council's Domestic Waste and Recycling Service Standard.

14. In summary, I conclude that the appeal scheme would not cause harm to the living conditions of the occupiers of nearby residential properties. The proposal would therefore comply with Policies DM1 and SP1 of the Core Strategy and Saved Policy DC26 of the Unitary Development Plan. These policies seek to reduce the impact of noise and achieve a suitable standard of accommodation and amenity.

Highway safety and parking

15. I noted on my site visit that there was a high level of on street car parking in the surrounding area though there were spaces available. The appeal proposal clearly has the potential to increase the parking demand not only by future occupants but also by visitors.

16. I have had regard to the fact that the proposed additional bedrooms are likely to be occupied by students, who would be less likely to own a car. Furthermore, the appeal property is well served by public transport. I am also advised that cycle parking provision is currently provided within the property

and could be extended by further provision in the rear yard as part of the scheme. There would therefore be alternative travel options available for future occupiers reducing the need to travel by car.

17. The appellant has provided a car parking survey taken both in the evening and in the daytime. This demonstrated that at both times, there was availability of on street car parking.

18. Taking account of the above factors, I conclude that should the appeal scheme result in an increase in the demand for car parking provision, it could be accommodated on street. Unacceptable highway safety issues would therefore not arise. The scheme would comply with Policies DM1 and SP1 of the Core Strategy which seek to reduce the need to travel and provide good access to sustainable transport provision.

Sustainable community

19. The Council have argued that the quality of the proposed accommodation would not encourage its sustained occupation increasing the likelihood of a transient use. This would undermine the formation of a cohesive and sustainable community.

20. The area has several existing HMO's. Like the appeal property, many are in use as student accommodation, with occupants having short term tenancies. There is therefore already a degree of transience in the residential population. I acknowledge that such persons would be likely to have less interest in the wellbeing of the area than those occupying on a more permanent basis.

21. However, I have been provided with no detailed evidence of the actual number and distribution of HMO's in the locality. I am therefore unable to determine whether there is an imbalance between HMO's and Class C3 residential properties which would have an impact on the character and sustainability of the area.

22. Based on the evidence of this case, it is my view that the addition of two further bedrooms in an existing HMO as proposed in the appeal scheme, would have a very limited impact on the predominant character of this residential area. Moreover, I consider it would have a negligible effect on the formation of a cohesive and sustainable community.

23. The proposal would therefore comply with Policy SP1 of the CS which seeks to encourage a positive contribution to neighbourhoods of choice, providing high quality, diverse housing in a distinct environment.

Conditions

24. I have had regard to the conditions suggested by the Council in light of the Framework and Planning Practice Guidance. In addition to the standard timeframe condition, I consider that it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt.

25. I also impose a condition restricting the use of the property to an HMO with 8 bedrooms in order to achieve control over the development, ensure a suitable quality of accommodation and safeguard the living conditions of neighbouring

occupiers. Finally, a condition is necessary to require that the proposed waste management facilities are implemented in the interests of residential amenity and to ensure the provision of satisfactory arrangements for the collection and storage of segregated waste.

Conclusion

26. I have found that the appeal scheme would not create an over intensive use and would cause no harm to the living conditions of the occupants of nearby properties. It would also provide adequate car parking raising no highway safety concerns and would not undermine a sustainable community.

27. The proposal would therefore comply with the policies of the development plan. No other material considerations weigh against the scheme.

28. Accordingly, for the reasons given above, and having had regard to all other matters raised, the appeal is allowed.

Helen Hockenhull

INSPECTOR