7 Balmoral Road

Planning Statement

wsp | indigo.

7 Balmoral Road
Planning Statement
August 2019

Indigo

St James' Tower
7 Charlotte Street
Manchester, M1 4DZ

T 0161 836 6910
E info@indigoplanning.com
W indigoplanning.com

7 Balmoral Road
Planning Statement

Contents Page

1. Introduction **1**
Site description and context 1
Planning history 2
Proposed Development 2
Application Documents 3

2. Planning Policy **4**
Core Strategy 4

3. Appeal Decisions **7**
APP/B4215/W/18/3214650 – Keppel Road, Chorlton 7
APP/B4215/W/16/3141967 – Moston Lane, Blackley 7
APP/B4215/W/15/3006637 – Ingleton Avenue, Crumpsall 8
APP/B4215/W/15/3002149 – Egerton Road, Fallowfield 8
APP/B4215/A/14/2211768 – Denmark Road, Rusholme 9
APP/B4215/A/13/2195179 – Station Road, Crumpsall 10

4. Conclusion **11**

7 Balmoral Road
Planning Statement

Appendices

Appendix 1
122496/LE/2019

Appendix 2
123082/LP/2019

Appendix 3
Appeal decisions

1. Introduction

1.1. WSP | Indigo has prepared this Planning Statement on behalf of Rory Dillon (herein referred to as "*the Applicant*").

1.2. The Planning Statement supports the proposed change of use of 7 Balmoral Road from a small House in Multiple Occupation (HMO) (Use Class C4) to a large HMO (sui generis).

Site description and context

1.3. The application site is a mid-terraced 6-bedroom property situated on Balmoral Road in Fallowfield. The property fronts directly on to the pavement, but has a rear yard of 20.6 sqm. It backs on to an alley way, which residents have access to.

1.4. Balmoral Road joins Moseley Road within 50m to the north, beyond which is the main campus of Manchester University. At this junction is a mini-mart. Roads to the east of Balmoral Road are traditional red-brick terraced roads.

1.5. Opal Court is located on the western side of Balmoral Road. This comprises purpose-built student accommodation, clustered around a large communal car park.

1.6. Consequently, the availability of on-street parking spaces is high, albeit as would be expected in an area close to Wilmslow Road and close to Manchester University, car ownership in the locality is low.

1.7. The property is located within walking distance of key services and amenities such as the Sainsbury's supermarket on Wilmslow Road, Bodey Medical Centre on Fallowfield Loop and pubs and restaurants situated along Wilmslow Road.

1.8. The property is well connected to public transport which links the site to Manchester city centre and the wider area. Car ownership is typically low in Fallowfield and there is no anticipated impact on parking or highways as a result of the change of use, given the high level of accessibility to facilities and services.

1.9. The site is identified in Figure 1 below:



Figure 1: Ariel photo showing site context (Source: Google, 2019).

Planning history

1.10. The recent available planning history for the site from Manchester City Council's planning register does not show any applications apart from the Certificates of Lawful Uses discussed below.

122496/LE/2019

1.11. A Certificate of Lawful Use (Appendix 1) confirms that the lawful use of the property on 22 February 2019 is Use Class C4, described by the Council in the First Schedule as 'the use of a residential dwelling as a small House in Multiple Occupation.' The first page of the Certificate states that the lawful use is 'a small scale house in multiple occupation (Class C4) for 4 people'.

1.12. The Use Classes Order (Amendment) 2010 defines Use Class C4 as 'Use of a dwellinghouse by not more than six residents as a "*house in multiple occupation*"'.

1.13. The Certificate does not limit the number of residents to four, rather to six as per the Use Classes Order.

123082/LP/2019

1.14. A second Certificate of Lawful Use (Appendix 2) relates to property's proposed roof extension. Although the first page of the Certificate refers to a use, the First Schedule is clear that it is the development that is lawful.

1.15. In deciding that the proposed development was lawful on 07 May 2019, by virtue of permitted development rights, the Council noted that it is on the basis that "the house would comprise no more than 6 bedrooms and be occupied by no more than 6 people."

Proposed Development

1.16. This application seeks Full Planning Permission for a change of use from a small HMO (Use Class C4) to a large HMO (Sui Generis) at 7 Balmoral Road. This development will provide two additional bedrooms bringing the total from 6 to 8 beds.

1.17. This will be achieved through the roof extension, permitted and installed under the Certificate of Lawful Use ref: 123082/LP/2019.

1.18. The eight bedrooms will all be larger than the minimum size required for HMOs in Manchester (6.5 sqm) and will each have windows:

- Bedroom 1 - 18 sqm;
- Bedroom 2 - 12.8 sqm;
- Bedroom 3 – 13.3 sqm;
- Bedroom 4 – 15.6 sqm;
- Bedroom 5 – 11.1 sqm;
- Bedroom 6 – 16.9 sqm;
- Bedroom 7 – 11.7 sqm; and
- Bedroom 8 – 18.8 sqm.

1.19. The additional bedrooms are created by, a) the conversion of one of the ground-floor receptions rooms, and b) the creation of three bedrooms from two very large first-floor bedrooms.

1.20. No external alterations are required as part of this proposal.

1.21. The property has access to the rear alley. Manchester City Council has provided 1,100 litre bins (general refuse, mixed recycling, pulpable recycling) to the residents of this part of

Balmoral Road; residents have access to these bins. On collection day, the Council's collectors open the alley gates to collect the bins.

Application Documents

1.1. The Statement should be read alongside the following supporting documents;

- Existing and proposed floor plans;
- Site plan; and
- Waste Proforma.

2. Planning Policy

Core Strategy

2.1. Manchester City Council's Core Strategy was adopted on 11 July 2012.

2.2. The property has the following policy designations according to the adopted Core Strategy:

- Inner Area (SP1); and
- South Manchester (Policies EC 9 and H 6).

Policy SP 1: Spatial Principles

2.3. This policy sets key spatial principles for development in Manchester over the plan period. In regard to the application, it sets out that there should be neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, in a distinct environment.

Policy EC9: South Manchester

2.4. This policy is not relevant to this application as it concerns economic development proposals.

Policy H6: South Manchester

2.5. This South Manchester policy relates to housing. It sets out that the area will provide around 5% of new residential development over the plan period. It also states that:

> *Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.*

Policy DM1

2.6. This policy sets out the requirements of development in Manchester. This development complies with the following criteria:

- Development should have regard to the character of the surrounding area;
- Considered the effects of the development upon amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation;

2.7. As this is a change of use application, not all requirements of Policy DM 1 are relevant to the proposal.

Policy H11

2.8. Within the Core Strategy, Policy H 11 and associated paragraphs provide the relevant policy concerning HMOs. Paragraph 9.43 gives the purpose of the policy approach: 'in order to prevent residential disamenity and to maintain the sustainability of neighbourhoods, the Council will manage the future location of Houses in Multiple Occupation, including student houseshares which fall within Use Class C4.'

2.9. Policy H11 states:

> *"Change of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site falling within one or more of the following categories:*
>
> - *Exempt from paying Council tax because they are entirely occupied by full time students.*
> - *Recorded on Private Sector Housing's database as a licensed HMO.*
> - *Any other property which can be demonstrated to fall within the C4 or sui generis HMO use class.*
>
> *"In cases where the concentration of such properties is significant but less high, the Council will examine property type and resident mix in more detail when considering an application for a change of use."*

2.10. The policy goes on to say that:

> *"In areas of high concentration, extensions to HMOs (as defined in the Housing Act 2004) would not be permitted where this could reasonably be expected to lead to an increase in the level of occupation."*

2.11. The baseline scenario for this application is that the property is an HMO that can be occupied by six people. There are several examples of proposals to enlarge HMOs and increase the number of occupiers being granted planning permission, set out later in this Planning Statement.

2.12. For example appeal APP/B4215/A/14/2211768 was allowed; this was due to the sites location in the middle of a terrace of similar uses on a busy road already used by many students and non-residents (the site was close to a school), which would mean that proposal would be unlikely to materially affect the living conditions in family homes in the wider area. Moreover, the Inspector recognised the limited scale of the development and, individually, they considered it would have a negligible effect on the local housing market. As such, this proposal should be considered in the same way.

2.13. The final part of policy H 11 sets out that:

> *"The approach above will also be used for change of use to a HMO which is classified as 'sui generis'."*
>
> *"Not withstanding the policy requirements set out above, all proposals for change of use of existing properties into houses in multiple occupation, and all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1."*

2.14. Supporting paragraph 9.46 states:

> *"The Council will prepare a Development Plan Document to include thresholds which define "high concentration" (for example, 10% or 20%) and "short distance" (for example, within 100m of the application site) to further support application of this policy".*

2.15. As Manchester hasn't produced a development plan document setting out these thresholds, and therefore, in the absence of a development plan document specifying thresholds for

concentration and distance we have conducted further research considering a 100m radius from the site, as referenced in the Core Strategy paragraph 9.46.

2.16. There are 19 licenced HMOs within 100m of the property, equating to around 17% of all dwellings in the buffer.

3. Appeal Decisions

3.1. WSP | Indigo has undertaken a search for planning appeals since the adoption of the Core Strategy that involve HMOs or similar proposals. These appeal decisions are provided in **Appendix 3**.

APP/B4215/W/18/3214650 – Keppel Road, Chorlton

3.2. This appeal was allowed in June 2019. Although not involving an HMO, the appeal proposed the creation of a self-contained apartment within an existing flat.

3.3. The appeal is relevant because the Inspector imposed conditions relating to refuse storage arrangements and relating to sound insulation. This decision demonstrates that conditions can be used in respect of these issues.

3.4. The appeal property is a mid-terrace property, divided into flats. In paragraph 6 the Inspector noted that:

> *Within the context of a flatted development, the comings and goings associated with one additional two-bedroom apartment would be modest. Noise breakout from putting out refuse or open* (sic) *windows and doors, would be domestic in nature. Taking the above factors together, it is anticipated that the increased level of disturbance to neighbouring residents would be negligible.*

3.5. In paragraph 8 the Inspector noted that:

> *The Council considers that the proposal would increase the amount of activity on the site to an unacceptable level which would be significantly greater than that caused by the original household and the three existing households. However, for the reasons described above, and given the modest scale of development proposed, I consider that it is unlikely that a significant, harmful increase in level of activity would result.*

3.6. The planning application at Balmoral Road will also only involve noise breakout that is "*domestic in nature*."

3.7. The appeal proposal created a fourth flat at an existing three-flat building, ie a 33% increase in the number of flats. The application at Balmoral Road proposes a 33% increase in occupants, ie six to eight.

APP/B4215/W/16/3141967 – Moston Lane, Blackley

3.8. This appeal was allowed in May 2016. It granted planning permission for the change in use of a dwelling house (Use Class C3) to an HMO (Use Class C4), which is required due to the Article 4 Direction.

3.9. The Inspector stated in paragraph 8 that:

> *The appeal proposal would increase the current occupancy of the appeal property from two persons to three. I noted at my site visit that there was adequate space to the front of the property within its curtilage for parking cars and the storage of bins. The very modest increase in domestic paraphernalia or parking that would arise from one additional resident would, in any event, cause no significantly harmful effects on either the*

character of the appeal property or its surroundings. Consequently, the appeal scheme would clearly not be at variance with Policy H11's objectives in regard to character.

3.10. This appeal is pertinent as there is space for refuse storage within the curtilage of the application property in the same manner as the appeal property. The appeal differs on car parking however, car ownership is very low in the surrounding area: the application site is extremely close to Manchester University and also to the Wilmslow Road corridor. There is very limited prospect that the increase in occupiers will have a material impact on highway safety or residential amenity.

APP/B4215/W/15/3006637 – Ingleton Avenue, Crumpsall

3.11. This appeal was dismissed in September 2015. It related to the retrospective conversion of a dwelling from Use Class C3 to a HMO (Use Class C4).

3.12. In dismissing the appeal, the Inspector found that:

- The only outdoor amenity space was a concrete area of less than 2m wide between a 2m high fence and the kitchen wall, which she described as "oppressive";
- This did not represent a high standard of development or adequate external amenity space;
- The comings and goings of occupants of an HMO could be significantly more active and varied than would be expected from a single household; and
- The inadequate amenity space to the rear could give rise to the use of the front forecourt by occupants, where even normal conversation could be intrusive and disturb the neighbouring property.

3.13. This appeal differs to the proposed development as the quality of development was believed to be poor.

3.14. All rooms in 7 Balmoral Road meet minimum HMO requirements in terms of space and the proposed minimum bedroom size would be 11.7 sqm, exceeding Manchester City Council's minimum requirements of 6.5 sqm. The development will be finished to a high, modern standard. Furthermore, it includes 20.6 sqm of outdoor amenity space, providing adequate area for sitting out, hanging out clothes or external storage.

3.15. In addition, this appeal was for a change of use of a residential property to a HMO, whereas the proposed development is already a HMO, therefore resulting in far less change to the 'comings and goings' and habits of occupants.

APP/B4215/W/15/3002149 – Egerton Road, Fallowfield

3.16. This appeal was dismissed in September 2016. It relates to extending a property to intensify the use of a property within Use Class C4.

3.17. The property was in an area with a high student population, where the Council estimated around 52% of properties within 100m were HMOs. The Inspector noted that:

I accept that making provision for an additional tenant may appear insignificant. However, the combined effect of such incremental increases in areas of high HMO concentration nevertheless contributes to an existing imbalance that undermines the sustainability of local communities.

Local residents have highlighted brawling, loud music and late night comings and goings as some of the underlying causes (of disturbance). *In the absence of any substantiated evidence to the contrary I have no reason to doubt that there is an existing problem that would be*

> *compounded by the proposal development. I also note that the Student Strategy 2009 (as amended) indicates that the problems associated with shared houses in the City become more noticeable and raise more concerns at densities as low as 20%.*

3.18. As noted above, although the application site is an area popular with students, the proportion of HMOs is circa 17% which is less than the 52% in the case of this appeal, and is a density lower than the figure given in the 2009 Student Strategy at which the potential for problems associated with HMOs becomes more noticeable.

APP/B4215/A/14/2211768 – Denmark Road, Rusholme

3.19. This appeal was allowed in March 2014. It granted permission for the change of use from a C3 dwelling house to a 6-bedroom HMO in Use Class C4.

3.20. The Inspector noted that the appeal property was a *"large, mid-terrace house"* with small yards to the front and rear.

3.21. In paragraph 8 and 9, the Inspector noted that:

> *The area around the appeal site contains a high number of HMOs and other student accommodation, although some owner-occupied dwellings remain.*
>
> *It is clear therefore that more than 10% of households within 100 metres of the site reside within HMOs or other types of student accommodation. However the limited scale of the proposal means that, individually, it would have a negligible effect on the local housing market.*

3.22. In paragraphs 12 and 13 the Inspector noted that:

> *Students or other unrelated people living together may have different lifestyles to many families, and the proposal could generate a greater number of comings and goings, and noisier activities, than some other residential uses of the property. It is also the case that HMOs can lead to inappropriately stored waste, unkempt gardens, parking problems, anti-social behaviour, and damage to the local environment and streetscape. Research commissioned by the Council suggests that such problems are most noticeable where they occur in what were previously stable residential neighbourhoods that have changed such that student accommodation now represent between 20% and 40% of households.*
>
> *Notwithstanding this, there are no family homes in the immediate vicinity of the site, and its location in the middle of a terrace of similar uses on a busy road already used by many students and non-residents mean that the proposal would be unlikely to materially affect the living conditions in family homes in the wider area.*

3.23. This appeal scenario is not dissimilar to the application site, insofar as more than 10% of households within a 100m radius are HMOs, but the concentration around the application site is below the 20% figure given in the Student Strategy.

3.24. Furthermore, the proposed development will increase the number of beds by only two and therefore is a limited scale of development. Individually, this change of use will have a negligible effect on the local housing market and will be unlikely to materially affect the living conditions of family homes in the wider area.

APP/B4215/A/13/2195179 – Station Road, Crumpsall

3.25. This appeal was dismissed in December 2012. This proposed the change of use from C3 to C4.

3.26. The Inspector found that the change of use would result in an unacceptable concentration of HMOs within the vicinity of the appeal site.

3.27. The Inspector also found that student lifestyle is often different to that of families or working people, which can sometimes lead to disturbance at times when residents could reasonably expect some peace and quiet. The Inspector's experience was that this is more often the case in HMOs, and therefore the change in use would likely cause unacceptable noise and disturbance. However this appeal involved the loss of a C3 dwelling through its conversion to a HMO. 7 Balmoral Road is already an HMO.

3.28. In terms of highway safety, the Inspector noted the proposal included the creation of one private parking space, and that kerbside parking was in reasonable supply, whilst it is entirely reasonable that occupiers of a HMO may not have a car.

3.29. This is relevant to the application proposal, insofar as it reinforces the point that many students do not own cars.

Summary

3.30. Inspectors typically allow appeals that intensify HMOs, apart from where the properties either:

- have very poor amenity; or
- areas where there is already a high concentration of HMOs to the detriment of the amenity of family homes nearby.

3.31. In cases where there is a reasonable balance of different housing tenures, the Inspectors have recognised that on an individual basis, the small increase in number of beds would have a less than significant impact on the amenity and character of the area in which the proposal is located, and therefore tend to find the proposals to be acceptable.

4. Conclusion

4.1. The planning policy most important for the determination of this application is Policy H11. It is evident from appeal decisions that this policy does not prohibit either the creation of new HMOs or the intensification of existing ones.

4.2. Around 17% of dwellings in the surrounding area are HMOs. This itself is not a high concentration.

4.3. The proposed change of use will not lead to the loss of a family home, as the application property is already in Use Class C4. Nor will it add to the number of HMOs in the area, for the same reason.

4.4. The proposed changes concern a limited scale of development, resulting in a modest intensification of use. This will only have domestic-scale effects.

4.5. The proposed development will only modify the internal layout, with no exterior alterations.

4.6. There is very limited likelihood of the additional occupants of the property causing parking problems such that there would be an impact on highway safety, particularly as Balmoral Road only has terraced housing on one side, meaning both sides of the road are available for on-street parking for residents of the eastern side. The properties on the western side have their own parking court.

4.7. Nonetheless, students are less likely to own a car, especially in a highly accessible location close to public transport corridors and the University.

4.8. The property has sufficient external and internal amenity space, so that all occupants would continue to enjoy reasonable amenity.

4.9. In conclusion, the addition of two bedrooms to the application property represents a modest intensification, comparable to the appeals that have been allowed across Manchester. The proposal does not conflict with Policy H11 or Policy DM1, and planning permission should be granted.

Appendix 1

MANCHESTER CITY COUNCIL

Town and Country Planning Act 1990 : Section 191 & 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (General Permitted Development) (England) Order 2015

Certificate of Lawful Use or Development

Mr Rory Dillon
Fletcher Bond
Woolwich House
61 Mosley Street
Manchester
M2 3HZ

Date of Application
23 January 2019

Application No.
122496/LE/2019

The Manchester City Council hereby certify that on 23 January 2019 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and more particularly identified on the plan attached to this certificate, was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

From the information that has been provided it is considered that, on the balance of probabilities, the lawful use of the premises (7 Balmoral Road. Manchester, M14 6WG) is a small scale house in multiple occupation (Class C4) for 4 people.

Date: 22 February 2019

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Certificate of Lawfulness

First Schedule

Certificate of Lawful Use for the use of residential dwelling as a small House in Multiple Occupation (class C4)

Second Schedule

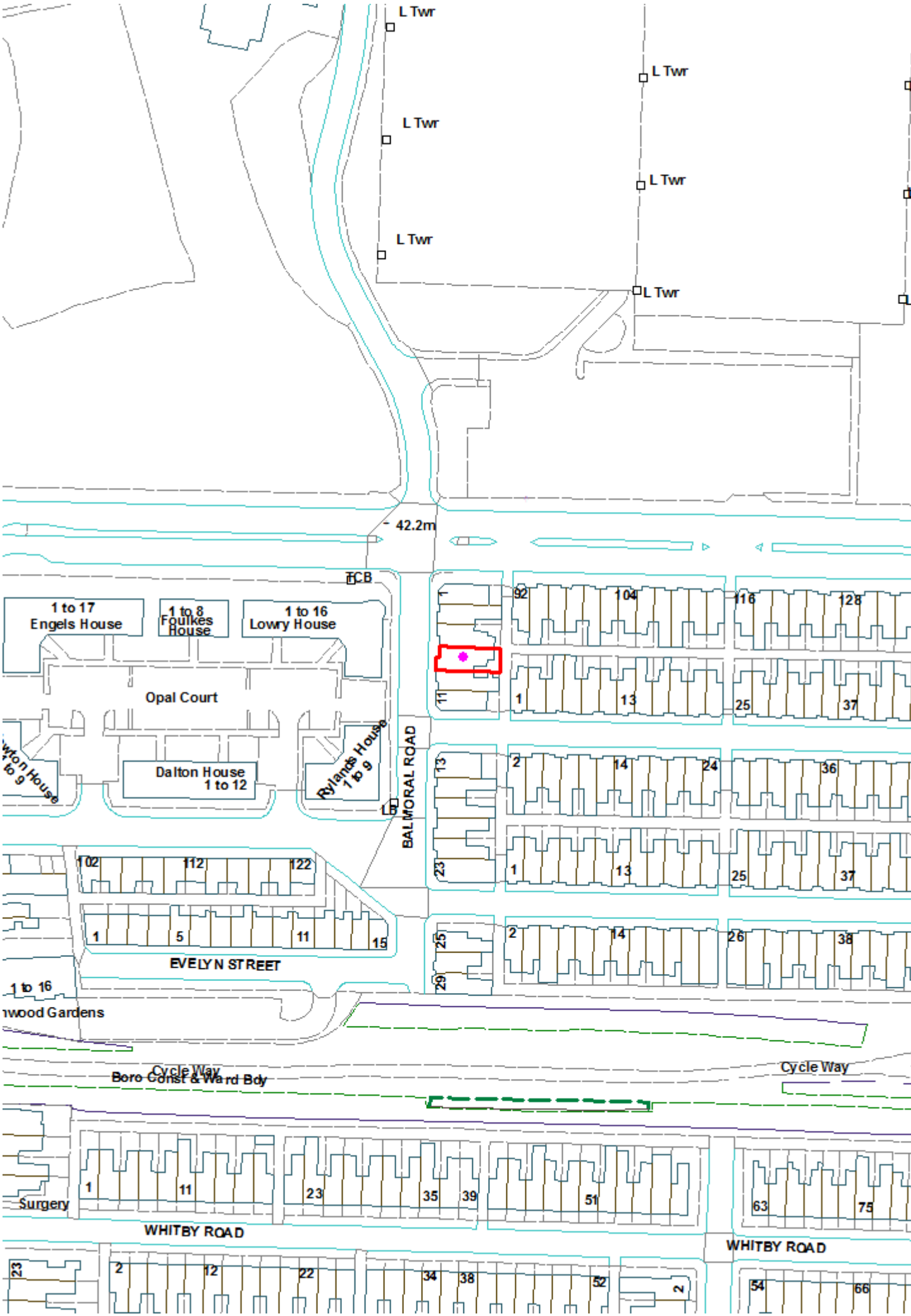
7 Balmoral Road
Manchester
M14 6WG

1. This certificate is issued solely for the purposes of section 191 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule, taking place on the land described in the Second Schedule, is lawful.

3. This certificate is issued solely to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.


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Foulkes
House
1 to 16
Lowry House
Opal Court
Dalton House
1 to 12
Rylands House
1 to 9
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BALMORAL ROAD
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nwood Gardens
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Boro Const & Ward Bdy
Cycle Way
Surgery
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WHITBY ROAD
WHITBY ROAD
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Appendix 2

MANCHESTER CITY COUNCIL

Town and Country Planning Act 1990 : Section 191 & 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

Town and Country Planning (General Permitted Development) (England) Order 2015

Certificate of Lawful Use or Development

Mr Rory Dillon
Fletcher Bond Surveyors
61 Mosley Street
Manchester
M2 3HZ

Date of Application	**Application No.**
20 March 2019	123082/LP/2019

The Manchester City Council hereby certify that on 20 March 2019 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and more particularly identified on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed roof extension to the rear of 7 Balmoral Road, on the basis of application forms and drawings stamped as received by the City Council as local planning authority on 20 March 2019 and 23 April 2019 and referenced:

Location plan with a red edge;
Existing Ref: 1084-001 Rev A;
Existing front and rear elevations Ref: 1084-002 Rev A;
Existing section A-A Ref: 1084-003 Rev A;
Proposed GF & FF plans Ref: 1084-004 Rev B;
Proposed loft and roof plan Ref: 1084-005 Rev B;
Proposed Elevations Ref: 1084-006 Rev B;
Proposed Section A-A Ref: 1084-007 Rev A

constitutes permitted development in accordance with 'The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Article 3, Permitted development rights, Part 1, Class B, Permitted development - The enlargement of a dwellinghouse consisting of an addition or alteration to its roof and Class C - other alterations to the roof of a dwellinghouse and on the basis that the house would comprise no more than 6 bedrooms and be occupied by no more than 6 people.

Date: 7 May 2019

Signed: 

Julie Roscoe
Head of Planning, Building Control & Licensing

Manchester City Council, P O Box 532, Town Hall, Manchester M60 2LA

Certificate of Lawfulness

First Schedule

Application for Lawful Development Certificate for dormer roof extension to main roof and outrigger to rear of existing HMO

Second Schedule

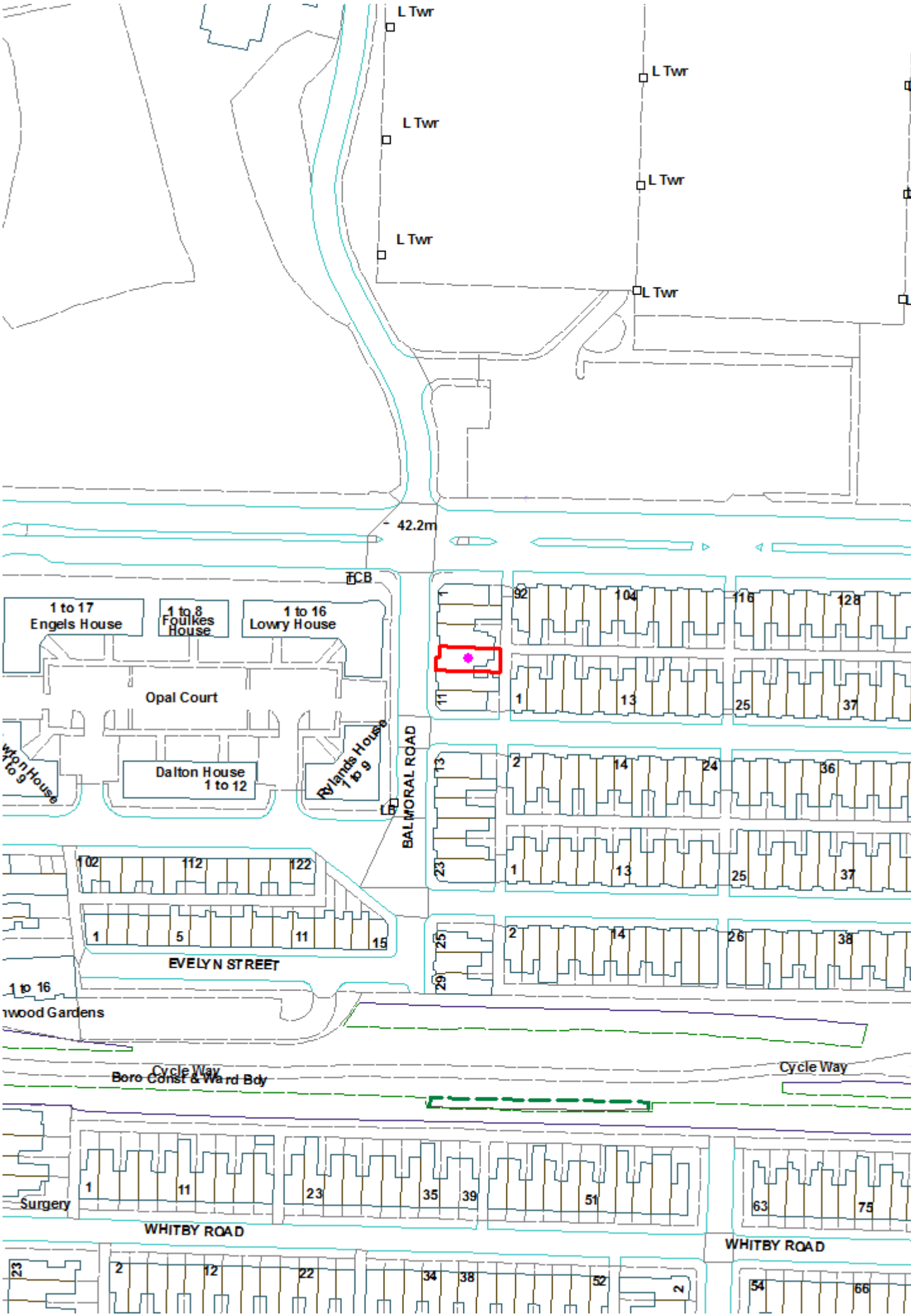
7 Balmoral Road
Manchester
M14 6WG

1. This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use specified in the First Schedule, taking place on the land described in the Second Schedule, is lawful.

3. This certificate is issued solely to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.


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Boro Const & Ward Bdy
Cycle Way
Surgery
WHITBY ROAD
WHITBY ROAD
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Appendix 3

The Planning Inspectorate

Appeal Decision

Site visit made on 23 April 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 10th June 2019

Appeal Ref: APP/B4215/W/18/3214650
32 Keppel Road, Manchester M21 0BW

- 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 Mr Ibrahim Jamil, Arrows International Ltd against the decision of Manchester City Council.
- The application Ref: 118734/FO/2018, dated 2 January 2018, was refused by notice dated 25 April 2018.
- The development proposed is conversion of an existing basement into a self-contained 2 bedroom apartment.

Decision

1. The appeal is allowed and planning permission is granted for conversion of an existing basement into a self-contained 2 bedroom apartment in accordance with the terms of the application, Ref: 118734/FO/2018, dated 2 January 2018, and the plans submitted with it, 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 drawings: Existing Elevations 07/2017/01; Proposed Elevations 07/2017/02; Existing Basement Plan 07/2017/03; Proposed Basement Apartment 07/2017/04; Site Plans 07/2017/05C.

   3) Prior to occupation of the development hereby permitted, a detailed design scheme for the refuse storage arrangements set out in the Design and Access Statement with application Ref: 118734/FO/2018, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the scheme has been implemented, and shall be retained thereafter.

   4) Prior to occupation of the development hereby permitted, the approved apartment shall be insulated in accordance with a sound insulation scheme submitted to and approved in writing by the local planning authority. The scheme shall include measures to address transmission of noise through the party wall and the ceiling of the approved apartment, in order to secure reduction of noise between the apartment and adjoining dwellings. The scheme as approved shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupants of the existing flats within the appeal property and of neighbouring properties, with particular regard to noise and disturbance.

Reasons

3. The appeal site is the basement of a three-storey, mid-terraced property which is divided into three flats, located within a residential area. The proposal would provide a fourth flat.

4. At the centre of the appeal is the matter of the effect of additional activity arising from a fourth flat, on the occupants of both the host building and the surrounding properties.

5. The appeal building is established as having three flats, for which planning permission was granted in 1984.

6. The access to the proposed flat would be past the front door of the ground floor flat. The proposal would not require use of the main staircase to access it, thereby reducing impact on the other two flats above. Within the context of a flatted development, the comings and goings associated with one additional two-bedroom apartment would be modest. Noise breakout from putting out refuse or open windows and doors, would be domestic in nature. Taking the above factors together, it is anticipated that the increased level of disturbance to neighbouring residents would be negligible.

7. The main parties acknowledge that a number of properties in the vicinity of the appeal site have been converted to multi-occupancy. A number of properties on the street appear to have their front basement rooms converted into living accommodation. However, the full planning details of other such properties are not before me, and the proposal has its own setting. As such, I assess it on its own merits.

8. The Council considers that the proposal would increase the amount of activity on the site to an unacceptable level which would be significantly greater than that caused by the original household and the three existing households. However, for the reasons described above, and given the modest scale of development proposed, I consider that it is unlikely that a significant, harmful increase in level of activity would result.

9. The Council's concern about the cumulative impact of 'just one more flat' developments is noted. In their assessment, on Keppel Road 'approximately 50% of the properties have been converted into some forms of multiple occupation', though not necessarily of four or more flats. The Council conclude that 'thus a significant part of the population of the street lives in other than family dwellings'.

10. Policy H6 of the CS sets out that for South Manchester, in which the site is situated, 'high density development...will generally only be appropriate within the district centres outside the district centres', including Chorlton, and 'priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing'. The Council states in its appeal statement that 'in the south of the City that need is for family housing'. However, I consider that the addition of a fourth flat to the appeal building, which has been established as a flatted property for around 30 years, would

not significantly change the density of development, or the housing mix in the area. Moreover, there is not substantive evidence before me which would lead me to conclude that the appeal proposal would prevent delivery of family housing in the area. For the reasons described above, in this case I find that the proposal would have a neutral effect in respect of H6 and, accordingly, I do not find conflict with it.

11. Resident concern that the proposal would increase parking stress on the street is noted, within a context of what the Council describes as a 'severe on street parking problem' in the area. However, the Council considers that, as on balance the appeal site 'is a sustainable location with easy access to public transport and the facilities and services on offer within' Chorlton 'district centre...the lack of parking would not form a sufficiently strong reason for refusing planning permission'. The Council does not cite highway safety as a concern in relation to the proposal. I see no reason to disagree with the Council's conclusions on these matters. Moreover, considering the proposed increase is for one flat, it is unlikely that the scale of the proposed development would significantly increase demand for kerbside parking.

12. I note neighbour concern about the proposal increasing the frequency of the alleygate to the side of the appeal property being left open during construction phase and subsequent occupation, such that it would increase the risk of burglary. However, the more direct route to access the proposed flat would be via the front door of the host building. Moreover, it would be in the interests of security of their own materials and equipment for construction staff to be vigilant and secure the appeal property outside of working hours. Having regard to these factors together, it is anticipated that the proposal would not have a significant detrimental effect in this respect.

13. I do not underestimate the importance of the above matters to those involved. However, there is not substantive evidence which would lead me to conclude that the scheme should be resisted on these grounds.

14. In conclusion, the proposed development would not, either individually or cumulatively, harm the living conditions of residents on Keppel Road. As such, it would not conflict with Policies SP1 and DM1 of the Manchester Core Strategy (2012) (CS) and Saved Policy DC5 of the Manchester Unitary Development Plan (1995, as saved 2007). The policies, taken together, seek to ensure that development safeguards the living conditions of residents, and provides neighbourhoods of choice which are accessible to district centres.

Other Matters

15. The Council indicates that it can demonstrate a five-year supply of deliverable housing sites in the city. The appellant considers that this is not clear. However, there is not substantive evidence before me to lead me to conclude that there is an under-supply of deliverable housing sites in Manchester. In any case, the contribution of the proposed development would be minimal, given its modest scale.

Conditions

16. The conditions suggested by the Council have been considered against the tests of the Framework and advice provided by Planning Practice Guidance. They have been found to be reasonable and necessary in the circumstances of

this case. I have made minor drafting changes to suggested conditions in the interests of precision.

17. In addition to the standard commencement condition, a condition is necessary requiring that the development is carried out in accordance with the approved plans, in order to provide certainty. A condition relating to refuse and recycling is required in the interests of visual appearance. A condition regarding noise attenuation is necessary to safeguard the living conditions of residents.

Conclusion

18. For the reasons above, I conclude that, subject to appropriate planning conditions, the appeal should be allowed.

William Cooper

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 5 April 2016

by G Fort BA PGDip LLM MCD MRTPI

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

Decision date: 03 May 2016

Appeal Ref: APP/B4215/W/16/3141967
161 Moston Lane, Manchester, Greater Manchester M9 4HR

- 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 Matthew Lockwood against the decision of Manchester City Council.
- The application Ref 11052/FO/2015/N1, dated 14 September 2015, was refused by notice dated 21 October 2015.
- The development proposed is change of use from dwellinghouse (C3(a)) to a house in multiple occupation (Class C4).

Decision

1. The appeal is allowed and planning permission is granted for change of use from dwellinghouse (C3(a)) to a house in multiple occupation (Class C4) at 161 Moston Lane, Manchester, Greater Manchester M9 4HR in accordance with the terms of the application, Ref 11052/FO/2015/N1, dated 14 September 2015, subject to the following conditions:

   (1) The development hereby permitted shall begin not later than three years from the date of this decision.
   (2) The development hereby permitted shall be carried out in accordance with the following approved plans: 161 Moston Lane Site Location Plan scale 1:1250; Proposed Plans scale 1:50.

Preliminary Matter

2. I have used the description of development from the decision notice rather than the one in the original planning application as it captures the essence of the proposal more succinctly.

Main Issue

3. The main issue in this appeal is the effect of the appeal scheme on the supply of an appropriate mix of housing types and the creation of mixed and balanced communities.

Reasons

4. The appeal dwelling is a three-storey property located in an urban area with a mixed pattern of building types and land uses. Dwelling types vary around the appeal site with similar three-storey properties to the side and rear of No 161. The proposal seeks a change of use from the C3 use class to C4, which,

because of an Article 4 Direction requires planning permission. The appeal scheme would result in no physical changes to the exterior of the property.

5. Policy H 11 of the Council's *Local Development Framework: Core Strategy* (adopted July 2012) ("the Core Strategy") is restrictive of changes of use from C3 to C4. Of most relevance to the appeal is the part of the Policy which states that "In parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling suitable for a family." In these circumstances changes of use to C4 will only be permitted where there is no reasonable demand for the existing use. All proposals for change of use would be permitted only where the accommodation provided is of a high standard, and will not harm the character of the area.

6. The appeal property is currently used as two flats, and whilst the building maybe suitable for family housing that is not its current use. I note that the appeal property has no planning history to suggest its current use is lawful or otherwise. However, the appellant submitted evidence from the Valuation Office Agency of two separate council tax valuations at the property, and copies of two separate tenancy agreements. Taken together these documents are strongly suggestive that the use of the property as flats is established.

7. Whilst the Council maintains that the proposal would intensify a concentration of similar properties I was offered no substantive evidence to suggest that this is the case. Furthermore, I saw at my site visit that there were a range of house types in the immediate vicinity including properties of a similar type to the appeal scheme. I noted no others that had obviously been subdivided. Consequently, I am not persuaded that the proposal would lead to an imbalance in the mix of housing in the local area.

8. The appeal proposal would increase the current occupancy of the appeal property from two persons to three. I noted at my site visit that there was adequate space to the front of the property within its curtilage for parking cars and the storage of bins. The very modest increase in domestic paraphernalia or parking that would arise from one additional resident would, in any event, cause no significantly harmful effects on either the character of the appeal property or its surroundings. Consequently, the appeal scheme would clearly not be at variance with Policy H 11's objectives in regard to character.

9. The appellant supplied evidence to show that a number of larger properties were available in the local market. Whilst this does not evidence a lack of demand for the appeal property explicitly, it is indicative of a healthy supply of family-sized dwellings in the wider area. Conversely, I was supplied with little in the way of substantive evidence to persuade me that there was a high demand in the area for dwellings suitable for families that would be intensified to a harmful degree by the implementation of the appeal scheme.

10. I had regard to the appeal decision cited by the Council[1]. The proposal that was subject to this appeal was for a larger scheme that had demonstrably harmful effects on the living conditions of occupiers. It thus did not comply

[1] APP/B4215/W/15/3006637

with Policy H 11's objectives in terms of achieving accommodation of a high standard. The current appeal scheme is a much more modest proposal, and would constitute only a limited intensification of the property's current residential use. Moreover, I have no evidence to suggest that the accommodation provided would not be of a high standard. The appeal scheme would thus not have effects that were as demonstrably harmful as those of the proposal subject to the previous appeal.

11. The appeal scheme would not have significant and demonstrably harmful effects on the mix and balance of housing provision in its immediate area. Neither would the proposal serve to undermine the creation of mixed and balanced communities to a significant degree. Consequently, the appeal scheme would not conflict with the objectives of Policies H 3, H 11, or SP 1 of the Core Strategy.

Other Matter

12. The Council had concerns that the appeal scheme would create a precedent for similar development in the area. However, I have found that no harm would flow from the proposal, either to the housing market or the character of the area. Consequently, the appeal scheme does not create a precedent for development proposals that would have harmful effects in these regards.

Conditions

13. The Council has provided no list of suggested conditions. In the absence of any suggested conditions I have attached the standard implementation condition to comply with the requirements of the Town & Country Planning Act 1990, as amended, and for the proper planning of the area. Also, in the interests of certainty and for the avoidance of doubt, I have attached a condition specifying the approved plans.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G Fort

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 9 June 2015

by Helen Heward BSc Hons MRTPI

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

Decision date: 28 September 2015

Appeal Ref: APP/B4215/W/15/3006637
3 Ingleton Avenue, Manchester M84QT

- 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 Dr Krishna Bastola against the decision of Manchester City Council.
- The application Ref 107406/FO/2014/N1, dated 12 November 2014, was refused by notice dated 8 January 2015.
- The development proposed is described as "retrospective application for conversion of C3 dwelling into House in Multiple Occupation (Use Class C4)".

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is retrospective and my decision is based on the application, plans and particulars submitted, and not on the works as seen.

3. I have used the description of development on the decision notice which is more concise than that on the application form. Both the decision notice and application describe the use as a House in Multiple Occupation (Use Class C4).

4. The submitted drawings indicate a total of five bedrooms and the appellant refers to accommodation for five or six persons. The plans indicate bed arrangements which could provide for more, and the Council has referred to up to 10 occupants. However, my decision is based on the development applied for. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines a C4 use as 'a dwellinghouse by not more than six residents as a house in multiple occupation'.

5. The Council submitted a plan to clarify the Crumpsall Green Conservation Area boundary after the site visit and the appellant was provided with a copy.

Main Issues

6. The main issues in this case are the effect of the development upon:-

   i) The living conditions of the occupiers of the development applied for, with particular regard to external amenity space;
   ii) The living conditions of occupiers of existing neighbouring dwellings with particular regard to noise and disturbance;

iii) The character or appearance of the Crumpsall Green Conservation Area (the CA) with particular regard to provision for waste bins;

iv) The supply of an appropriate mix of housing types and the creation of mixed and balanced communities; and

v) On-street parking and traffic conditions in the locality, with particular regard to parking provision for the development.

Reasons

7. The appeal site is located within a predominantly residential area of North Manchester that mainly comprises a mixture of semi-detached, terraced houses and flats.

Living conditions of the occupiers of the development

8. The only external amenity space for the residents is a narrow strip adjacent to the kitchen living room. It has a concrete surface and there are two drain pipes on the walls. It is overlooked by the kitchen window and the window to a ground floor room, which the plan indicates to be a bedroom. It is less than 2m wide and enclosed by a close boarded fence, approximately 2m high. There is no outlook and the close, high enclosure is oppressive.

9. The appellant considers another area at the rear of the dwelling provides space for barbeques, games and other recreation, but there is no direct access to this area from the rear of the dwelling and the application proposes that it is used for parking two vehicles. The internal amenities of the dwelling may be otherwise acceptable but this does not mitigate the loss of external amenities.

10. I conclude that the development fails to provide an adequate external amenity space for a good standard of living conditions for occupiers of the development. The development is contrary to provisions in Policies SP1, H11 and DM1 of the Manchester Core Strategy Development Plan Document 2012 (Core Strategy) which seek to ensure a high standard of development that makes a positive contribution to neighbourhoods and, amongst other things, has adequate external amenity space.

Living conditions of occupiers of existing neighbouring dwellings

11. It is acknowledged that the appeal property, occupied by a single household, could accommodate a family of six persons; and it cannot be assumed that the HMO would not be either well managed or that the behaviour of 'individual' residents would be disrespectful. However, the point at issue is the overall intensity of activity and the potential for it to erode the quality of life for nearby residents.

12. In this case, the comings and goings of occupants with potentially different lifestyles, patterns of work and social groupings could result in significantly more activity than might be expected from a single household. In addition, with the proximity of the hospital and the potential for the accommodation to be occupied, at least in part, by health care employees, some of whom might work shifts, occupants could be leaving and returning to the property late at night and in the early morning with the consequential prospect of increased disturbance to neighbours.

13. Moreover, given the limitations on the external amenity space described above, the small front forecourt could provide an opportunity for occupants, and their

visitors, to gather. With anything more than a small group engaged in 'normal' conversation, raised voices and laughter, in close proximity to the windows of the neighbouring property, this could result in intrusive disturbance and an adverse effect on adjoining living conditions.

14. On balance, I conclude that the intensity and nature of the occupation as a C4 HMO use could result in a level of activity, noise and disturbance which would be harmful to the living conditions of occupiers of dwellings close by, contrary to provisions in Policies SP1, H11 and DM1 of the Core Strategy which seek to ensure a high standard of development that makes a positive contribution to neighbourhoods.

The Crumpsall Green Conservation Area

15. Policy DM1 of the Core Strategy requires development to have regard to advice in the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 2007 (the SPD). Paragraph 2.57 of the SPD states that, amongst other things, areas for waste storage should be sensitively sited to avoid a detrimental visual impact and poor residential amenity.

16. There is nothing to say what the significance of the CA is, but on my visit I observed that one characteristic of the locality is terraced dwellings set behind low boundary walls and small frontages. I also observed that bins were stored in many of these areas.

17. I expect that five or six unrelated occupants, possibly all with separate shopping and eating habits, would generate more waste than a family of the same number of people who share food and meals and other household goods. But there is no evidence to demonstrate that this would increase the number of bins required for a C4 use.

18. I conclude that there would be no material change and that the character and appearance of the CA would be preserved. Therefore, I find no conflict with Policies DM1, SP1 and H11 of the Core Strategy and advice in the SPD in this regard.

The creation of mixed balanced communities

19. Policy H3 of the Core Strategy seeks to prioritise family housing and other high value, high quality development in North Manchester where this can be sustained. Reflecting the aim to create sustainable communities with a mix of households Policy H11 seeks to manage changes from C3 Dwelling Houses to C4 Houses in Multiple Occupation to prevent further loss of C3 Dwelling Houses. It is a requirement of Policy H11 that the quality of design of an HMO is of a high standard.

20. In North Manchester 43% of housing consists of two bedroom houses or apartments and a Housing Need and Demand Assessment 2010 (Arc4) indicates that there is a need for family housing with three and four bedrooms. The Council submit that in this part of Crumpsall the number of family dwellings has been diminishing and that there is a large concentration of flats, HMO type accommodation and supported housing. They draw my attention to appeal APP/B4215/A/14/2223880 where the Inspector supported the Council's approach of seeking to retain family houses.

21. The appellant submits there are no HMOs in the area and only eight in the M8 area. Neither party has submitted evidence of the make-up of the housing stock in this locality. However, on my visit I walked around the local area and observed a significant concentration of properties in the vicinity of the appeal site which appear to have been converted into flats or otherwise subdivided.

22. From the plans and my observations of the building I consider that the appeal property could revert to a dwelling suitable for family occupation. There is no evidence to say that there would be no demand for it as a dwelling house.

23. There may be a large number of HMOs in South Manchester, but that is not to say that this C4 HMO would make a positive contribution toward rebalancing this. A C4 HMO might not accommodate any more people than a C3 dwelling house. It is close to North Manchester General Hospital and could provide convenient accommodation for doctors and staff working at the hospital, patients and visitors. But there is no evidence of a shortfall of accommodation for these purposes or that the Hospital supports the proposal. Therefore I attach very limited weight to these arguments.

24. I conclude that the use of No 3 as a C4 HMO increases the supply of smaller accommodation and results in the loss of a three bedroom dwelling that would be suitable for family housing. My earlier findings in respect of the lack of adequate external amenity space and potential adverse effects on neighbours' amenity mean that the development is not of a high standard and this adds to the harm.

25. The development is therefore contrary to provisions within Policies H3 and H11 of the Core Strategy which seek to give priority to family housing and resist the loss of dwellings suitable for families. In this way it fails the requirement of Policy SP1 of the Core Strategy to make a positive contribution to the neighbourhood.

On-street parking and traffic conditions in the locality

26. An area to the rear has been hard surfaced and shown as parking for two cars on the plans. Access is via a narrow gated alley to the side and rear of the property. The access is not within the site to which the planning application relates. There is no evidence to say that the appellant controls access to the parking area from the public highway. Therefore I do not attach any weight to this area in respect of the parking needs of the C4 HMO use, and I have not considered it further.

27. The Highway Authority considered the application on the basis of a potential occupancy of 10 people requiring '7 to 8' dedicated parking spaces. The occupiers could be on low incomes; hospital staff could walk to work; there are bus services along Delaunays Road close by; and a rack for bikes has been provided. These factors point toward low car ownership. Nevertheless, the locality also has reasonably good access to the motorways. I consider it likely that some residents would have, or rely upon, the use of a car.

28. When used as a dwelling the occupants could have had two or three vehicles parked in the adjacent streets. Therefore, and on balance, I conclude that the evidence before me does not demonstrate that the use of the appeal property as a C4 HMO results in a material increase in the demand for on street parking

in the locality. However, in the light of my conclusions on issues above, this matter is not determinative in this case.

Other Matters

29. The appellant informs me they are involved in charity work in Nepal and part of the proceeds would go toward this. However, I must assess this appeal only on its planning merits and I cannot take this into consideration.

30. The appellant is aggrieved with the Council's procedures, lack of discussion of possible modifications and alleged illogical reasoning. The appellant considers that if neighbours had been better informed of the benefits of the development then their response would have been positive. A grievance with the Council's procedures should be pursued with the Council in the first instance and I have determined this appeal on the planning merits of the development sought.

31. The appellant informs me that the area at the rear was disused and rubbish was left there in the past. There is nothing to say that if this development is not permitted the only course would be for the dwelling to be left empty and to deteriorate.

Conclusions

32. The development represents one form of investment in the area and provides small accommodation for rent that is conveniently located for the North Manchester General Hospital.

33. The proposal would preserve the character and appearance of the Crumpsall Conservation Area and on balance, I am not persuaded that the evidence demonstrates that the proposal would result in an increase in on street parking to the detriment of highway and pedestrian safety.

34. However, the proposal would harm the overall mix and balance of housing provision in the area and result in harm to the living conditions of the occupiers of the C4 HMO and could adversely affect the living conditions of the occupiers of nearby dwellings in the locality. This would be contrary to advice in The National Planning Policy Framework that planning should always seek to achieve a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings (paragraph 17).

35. Overall, I conclude that the harms outweigh the modest benefits of the scheme. Therefore, having taken all matters into consideration, including a submission that the development offers equality, the appeal is dismissed.

Helen Heward

PLANNING INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 15 September 2015

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 25 September 2015

Appeal Ref: APP/B4215/W/15/3002149
27 Egerton Road, Manchester M14 6YQ

- 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 Zahid Hanif against the decision of Manchester City Council.
- The application Ref 105609/FO/2014/S1, dated 5 May 2014, was refused by notice dated 24 July 2014.
- The development proposed is single storey side and rear extension to allow an internal configuration for an additional sixth bedroom to C4 dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has drawn my attention to a number of successful appeals against the Council. Whilst I have paid careful attention to these decisions the circumstances are not similar in all respects because of four of them predate the current local development plan and the remaining two did not seek to increase the number of bedrooms. Consequently, this appeal has been determined on its individual merits and the evidence before me.

Main Issue

3. The main issue is the cumulative effect of the proposal on the living conditions of local residents with regard to noise.

Reasons

4. The host property is situated in a residential area where a significant proportion of dwellings are occupied by students. The host property comprises a large, semi-detached house in multiple occupation (HMO). The proposal would lead to the creation of an additional bedroom and a consequent increase in the number of tenants in the property. The Council has estimated that approximately 52% of properties within 100m are HMOs. The appellant acknowledges the nature of the surrounding area but contends that an additional tenant would not lead to a significant over-intensification of use.

5. I accept that making provision for an additional tenant may appear insignificant. However, the combined effect of such incremental increases in areas of high HMO concentration nevertheless contributes to an existing imbalance that undermines the sustainability of local communities.

6. The views of permanent residents carry some weight in relation to this matter. This is because they have directly related the increased student numbers to a significant increase in the level of disturbance experienced in and around Egerton Road. Local residents have highlighted brawling, loud music and late night comings and goings as some of the underlying causes. In the absence of any substantiated evidence to the contrary I have no reason to doubt that there is an existing problem that would be compounded by the proposed development. I also note that the Student Strategy 2009 (as amended) indicates that the problems associated with shared houses in the City become more noticeable and raise more concerns at densities as low as 20%.

7. Given the above, I conclude that the proposal would cause significant harm to the living conditions of local residents with regard to noise. This would be contrary to policies H11, DM1 and SP1 of the Manchester LDF Core Strategy DPD 2012 that seek, among other things, to prohibit extensions to HMOs in areas of high concentration and ensure that all new development protects local amenity and makes a positive contribution to the wellbeing of residents. Additionally, the proposal would also be contrary to paragraph 50 of the National Planning Policy Framework 2012 that seeks to create sustainable, mixed communities.

Other Matters

8. The appellant is of the opinion that the proposal is necessary in order to maintain a competitive edge. However, the economic benefits derived by the appellant would not outweigh the harm that would be caused to local residents.

Conclusion

9. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR

The Planning Inspectorate

Appeal Decision

Site visit made on 18 March 2014

by William Fieldhouse BA (Hons) MA MRTPI

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

Decision date: 25 March 2014

Appeal Ref: APP/B4215/A/14/2211768
20 Denmark Road, Manchester M15 6FG

- 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 Johann Rowan against the decision of Manchester City Council.
- The application Ref 103585/FU/2013/S1, dated 3 October 2013, was refused by notice dated 27 December 2013.
- The development proposed was described originally as "Planning for change of use from a C3 dwellinghouse to a C4 house in multiple occupation for six persons. The property was lived in by an elderly man and has deteriorated to a point that it needs full refurbishment. I am applying to be able to rent the property out to a group of six unrelated students. I am a student landlord since 2004 and work hard to improve my properties. I am also an accredited member of Manchester Student Homes and work with students to minimise their impact on the surrounding neighbourhood".

Decision

1. The appeal is allowed and planning permission is granted for a change of use from a single family dwellinghouse (class C3) to a six-bedroom house in multiple occupation (class C4) at 20 Denmark Road, Manchester M15 6FG in accordance with the terms of the application, Ref 103585/FU/2013/S1, dated 3 October 2013, subject to the following conditions:

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

   2) The development hereby permitted shall be carried out in accordance with the following approved plans received by the local planning authority on 3 October 2013: Plot Plan; Ground Floor (proposed); First Floor (proposed); Second Floor (proposed); Basement (proposed).

   3) The use hereby permitted shall not begin until details of arrangements for the storage of refuse and recyclable materials within the site have been submitted to, and approved in writing by, the local planning authority. The approved arrangements shall be in place before the use begins and shall thereafter be retained.

Preliminary Matters

2. The description set out in the header above is taken from the planning application form. However, both the decision notice and the appeal form refer simply to a change of use from a single family dwellinghouse (class C3) to a six-bedroom house in multiple occupation (class C4). This clearly describes the proposal and is reflected in my formal decision above.

3. Various national planning documents were cancelled, and new Planning Practice Guidance was published, on 6 March 2014. However, given the nature of this proposal, these changes to the guidance framework have not affected my decision.

Main Issues

4. The main issues are the effects that the proposal would have on:

   - the achievement and maintenance of sustainable neighbourhoods; and
   - the living conditions of the occupants of nearby dwellings.

Reasons

5. This appeal relates to a large, mid-terrace house that has rooms on four floors, including the basement and attic, and small yards to the front and rear. It is located in a central part of the city a short distance from a university campus, hospital buildings, a public park, various commercial uses, and the busy Oxford Road corridor.

Sustainable Neighbourhoods

6. I am advised that there are over 50,000 students in the city, and that their accommodation has spread in recent years to residential areas that were previously predominantly occupied by families. Accordingly, an approach is set out in Manchester's Local Development Framework Core Strategy Development Plan Document (2012) based on increasing the stock of purpose-built student accommodation, and encouraging the conversion of traditional residential properties back to family homes.

7. Specifically, core strategy policy H11 makes it clear that, in order to prevent residential disamenity and to maintain the sustainability of neighbourhoods, changes of use from dwellinghouses to houses in multiple occupation (HMOs) will not be permitted where there is a high concentration of existing student accommodation or HMOs within a short distance. The definition of "high concentration" is yet to be finalised, but the core strategy supporting text refers to situations where over 10% of households within around 100 metres of the site are HMOs or occupied by students[1].

8. The area around the appeal site contains a high number of HMOs and other student accommodation, although some owner-occupied dwellings remain, including family homes on Acomb Street, Burleigh Street and Cecil Street. Four of the other five properties in the terrace are HMOs, with the other being a

[1] Manchester's Local Development Framework Core Strategy Development Plan Document (2012) paragraph 9.46.

corner shop with vacant residential accommodation above. A large, recently-built student accommodation block is located a short distance away.

9. It is clear, therefore, that more than 10% of households within 100 metres of the site reside within HMOs or other types of student accommodation. However, the limited scale of the proposal means that, individually, it would have a negligible effect on the local housing market. Furthermore, whilst the dwelling is not so large that it would necessarily be unsuitable for use as a family home, its location within a short terrace of properties occupied by students or other unrelated people means that it would be unlikely to be attractive to many families. Its location also means that the proposal would not materially affect the attractiveness of the wider area to families.

10. I am advised that the property is likely to be vacated soon by the current, elderly occupier and that considerable investment is needed in order to bring the building back into a reasonable condition, something which the appellant is clearly prepared to undertake. Thus, even in the absence of any substantive evidence to demonstrate that such investment would not be forthcoming at some time in the future to create a good quality family home, I attach some weight to the benefits that the proposal would bring in terms of making beneficial use of the site.

11. I conclude on this issue that the proposal would not materially undermine the objectives of helping to achieve and maintain sustainable neighbourhoods, and that it would, therefore, be consistent with the objectives of national policy[2], core strategy policies H11 and SP1, and the Central Manchester Strategic Regeneration Framework (2007) which collectively seek to ensure a wide choice of high quality homes that meet the needs of all members of the community, and create sustainable, inclusive and mixed neighbourhoods.

Living Conditions

12. Students or other unrelated people living together may have different lifestyles to many families, and the proposal could generate a greater number of comings and goings, and noisier activities, than some other residential uses of the property. It is also the case that HMOs can lead to inappropriately stored waste, unkempt gardens, parking problems, anti-social behaviour, and damage to the local environment and streetscape. Research commissioned by the Council suggests that such problems are most noticeable where they occur in what were previously stable residential neighbourhoods that have changed such that student accommodation now represent between 20% and 40% of households.

13. Notwithstanding this, there are no family homes in the immediate vicinity of the site, and its location in the middle of a terrace of similar uses on a busy road already used by many students and non-residents mean that the proposal would be unlikely to materially affect the living conditions in family homes in the wider area.

14. I am aware that Greater Manchester Police object to the proposal on the grounds that a high concentration of HMOs can lead to increased crime and disorder, but there is no substantive evidence before me to indicate that the

[2] National Planning Policy Framework (2012) paragraph 50.

change of use would exacerbate any such problems, and the scale and location of the site suggest to me that this would be unlikely to be the case.

15. I conclude on this issue that the proposal would not materially harm the living conditions of the occupants of nearby dwellings. It would, therefore, be consistent with the objectives of national policy[3] and core strategy policies H11, DM1 and SP1 which collectively seek to ensure that development makes a positive contribution to the health, safety and wellbeing of residents; that HMOs do not materially harm the character of the area by virtue of privacy noise, odours, litter, vermin or traffic generation; and that a good standard of amenity is achieved for the occupants of buildings.

Conditions

16. I have considered the three conditions suggested by the Council and agree that they are necessary, subject to some alterations to improve clarity and ensure consistency with national policy and guidance[4].

17. In addition to the standard conditions relating to the timing of development and compliance with the approved plans, it is necessary to ensure that appropriate arrangements are made for the storage of waste and recycling materials, in order to prevent pollution and to safeguard the character and appearance of the area.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

William Fieldhouse

INSPECTOR

[3] National Planning Policy Framework (2012) paragraph 17, 4th bullet point.
[4] National Planning Policy Framework (2012) paragraphs 203 and 206, and Planning Practice Guidance (2014): Use of Planning Conditions.

The Planning Inspectorate

Appeal Decision

Site visit made on 21 June 2013

by David Fitzsimon MRTPI

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

Decision date: 18 July 2013

Appeal Ref: APP/B4215/A/13/2195179
41 Station Road, Manchester M8 5EB

- 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 Brentwood Housing against the decision of Manchester City Council.
- The application Ref 100651/FO/2012/N1, dated 24 September 2012, was refused by notice dated 10 December 2012.
- The development proposed is the change of use from C3 dwellinghouse to C4 HMO.

Application for Costs

1. An application for costs was made by Brentwood Housing against the Council which is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues in this case are the effect of the proposal on the mix of residential accommodation within the local area, its effect on nearby residents with regards to noise and disturbance, and its effect on highway safety.

Reasons

Accommodation Mix

4. Policy H3 of the Manchester Core Strategy (CS) explains that whilst the Universities and their students make an important contribution to the economy of the City, in order to prevent residential *disamenity* and to maintain the sustainability of neighbourhoods, the Council will manage the future location of Houses of Multiple Occupation (HMOs) which fall within Use Class C4. To this end, an Article 4 Direction was confirmed by the Council in January 2011 which means that planning permission is required for this type of development across the City area.

5. This stance is supported by the Council's Supplementary Planning Document titled '*Guide to Development in Manchester*' (SPD) which explains that parts of

the City have seen the loss of family housing to the extent that the character and sustainability of these areas is jeopardised (paragraph 7.4).

6. Policy H11 of the CS indicates that a change of use from a C3 dwelling to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site which are entirely occupied by students, are registered as a HMO, or otherwise fall within the C4 Use Class. It also explains that where the concentration of properties is significant but less high, the Council will examine the property type and resident mix in more detail.

7. The explanatory text to this policy explains that during the preparation of the CS and particularly through consultation with local stakeholders, the Council concluded that a 10% threshold for the maximum number of HMOs in a given area would be most appropriate to define '*high concentration*' and that the '*short distance*' should be set as within 100 metres of the application property. The explanatory text also indicates that a Development Plan Document will be prepared to include such thresholds to support the application of policy H11. Whilst I have not seen such a document, in light of the above, I am satisfied that significant weight should be given to the thresholds outlined.

8. The Council asserts that there are 43 HMOs within a 200m radius of the appeal property and suggests that this figure is likely to be higher accounting for those which have not passed through the planning system. Nevertheless, the Council has not provided any figures for the total number of houses within this zone. The appellant company, on the other hand, argues that the only properties noticeably in multiple occupation along this part of Station Road are the larger Victorian houses at Nos. 43, 45 and 47, which amount to less than 10% of the 41 dwellings along Station Road. It is important to note, however, that not all of these properties are within 100 metres of the appeal property.

9. Despite Policy H11 of the CS explicitly referring to a 10% threshold within 100 metres of the subject site, neither the appellant company nor the Council have provided relevant figures. From what I could see when taking into account the 100 metre zone along Station Road, and there has been no suggestion that any other method would be more appropriate, the 10% threshold already appears to have been exceeded. In the terms outlined by policy H11, this indicates that there is already a high concentration of HMOs within this particular area.

10. For this reason, I conclude that the proposal would result in an unacceptable concentration of HMOs within this part of Station Road which would be to the detriment of its character and social mix. It therefore conflicts with the policies and guidance outlined above.

Noise and disturbance

11. The appellant company argues that the levels of noise and disturbance which would be generated by occupiers of the proposed HMO would not be materially different to the levels which could be generated by a large family or people regarded as forming a single household.

12. Although not exclusively, HMOs are commonly occupied by students who often have different lifestyles and different patterns of behaviour than working people and families. This can sometimes lead to disturbance late at night and

in the early hours when residents should reasonably expect some peace and quiet. Whilst any occupier can cause noise and disturbance should they chose to live in an inconsiderate manner, experience tells me that in general terms, the propensity for this is greater when a property is used as a HMO. Whilst it has been suggested that the accommodation would be used solely by medical students, it would not be reasonable to control this in planning terms, and no evidence has been advanced to persuade me their behaviour is materially different to that of other students.

13. In light of the above, I conclude that the proposal would be likely to cause unacceptable noise and disturbance for nearby residents. In this respect, it conflicts with policy DM1 of the CS.

Highway safety

14. The property currently does not have any private parking. As I have explained, it is a large property which could be occupied by a large family with older children or by a group of people regarded as forming a single household. It seems to me that either scenario could quite feasibly generate a similar demand for car parking as if it was occupied by 5 dwellers in a HMO scenario.

15. Further, I note that the scheme includes a private car parking space and I saw that kerbside car parking was in reasonable supply at the time of my visit. In addition, the property enjoys a sustainable location opposite the Metrolink (with its own sizeable car park) and it is entirely possible that occupiers of the HMO might not have access to a car or similar vehicle.

16. For these reasons, I am satisfied that the proposal would not result in an unacceptable increase in the demand for kerbside parking and consequently, it would not pose an undue risk to highway safety. In this respect, there would be no conflict with policies T2 and DM1 of the CS.

Other matters

17. The Council has also raised concerns about refuse and recycling storage. I am satisfied, however, that adequate arrangements could be made in accordance with policy DM1 of the CS, which could be secured by an appropriately worded planning condition.

18. The appellant argues that the appeal property has remained empty and derelict for a significant period of time, which impacts on the character and appearance of the Crumpstall Lane Conservation Area (CA) and indicates a lack of demand for its use as a single dwelling. There is no dispute that the proposal would improve the appearance of the property, thereby having a positive impact on the appearance of the CA. So too, however, would its renovation and there has been no suggestion that it has been available for purchase as a single dwelling during this time.

19. Despite previous applications for a flatted development being refused, I am aware that the Council has since intimated that a scheme for two bedroom apartments might be acceptable. To my mind, this is a materially different proposition than a HMO. As such, this factor offers little assistance to my deliberation of the appeal proposal other than to confirm that its appearance could be improved by an alternative type of scheme.

Overall Conclusions

20. I conclude that whilst the proposal would not cause undue parking or highway safety issues, it would lead to an over-concentration of HMOs within this part of Station Road and it would be likely to cause undue noise and disturbance for nearby residents.

21. Accordingly, the appeal does not succeed.

David Fitzsimon

INSPECTOR

The Planning Inspectorate

Costs Decision

Site visit made on 21 June 2013

by David Fitzsimon MRTPI

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

Decision date: 18 July 2013

Costs application in relation to Appeal Ref: APP/B4215/A/13/2195179
41 Station Road, Manchester M8 5EB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Brentwood Housing for a full award of costs against Manchester City Council.
- The appeal was made against the refusal of planning permission for the change of use from C3 dwellinghouse to C4 HMO.

Decision

1. The application for an award of costs is refused.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.

3. The claimant points to the fact that since the appeal was submitted, the Council has intimated that planning permission would be granted for the conversion of the appeal property to apartments, explaining that returning it to productive use would be a factor weighing in its favour. The claimant asserts that sufficient weight was not given to this factor by the Council in determining the appeal proposal, which would enable the return of the property to a family dwelling more readily than if it was converted to two bedroom apartments. This factor does not, however, alter the harm that would be caused by the increase in the over-concentration of HMO accommodation that would occur if the appeal proposal was permitted, whereas 2 bedroom apartments could feasibly be occupied by small families. Moreover, it would not be reasonable to insist that the property was returned to a family dwelling within any defined timescale.

4. The claimant also argues that the Council provided little evidence to support its stance with regards to the HMO concentration issue, failed to give sufficient weight to the fallback position of the house being occupied by a large family or people regarded as forming one household, and relied solely on its original Delegated Report to support its position. The Delegated Report clearly outlined the Council's case and whilst I did not agree with the position taken regarding

the matter of car parking and highway safety, I found the arguments relating to the HMO issue and noise and disturbance to be largely persuasive.

5. Whilst it was necessary for the claimant to deal with the matter of highway safety and parking, a Highway Specialist was not employed and this was a relatively small element of the case. As such, I am satisfied that the claimant will have incurred little additional expense dealing with this particular issue.

6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in Circular 03/2009, has not been demonstrated.

David Fitzsimon

INSPECTOR