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: 12th June 2019

Appeal Ref: APP/B4215/W/18/3217042
132 Birchfields Road, Manchester M14 6PE

- 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 Toby Hamilton against the decision of Manchester City Council.
- The application Ref: 121171/FO/2018, dated 3 September 2018, was refused by notice dated 16 November 2018.
- The development proposed is change of use from an existing 5 bedroom House in Multiple Occupation (Class C4) to a 7 bedroom House in Multiple Occupation (Sui Generis use) involving the erection of part single and part two storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for change of use from an existing 5 bedroom House in Multiple Occupation (Class C4) to a 7 bedroom House in Multiple Occupation (Sui Generis use) involving the erection of part single and part two storey rear extension at 132 Birchfields Road, Manchester M14 6PE in accordance with the terms of the application, Ref: 121171/FO/2018, dated 3 September 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: A1168(01)AP001 Existing Site and Location Plans; A1168(01)AP002 Existing Floor Plans; A1168(01)AP003 Existing Elevations; A1168(02)AP001_Rev.B Proposed Site Plan and 3D; A1168(02)AP002_Rev.C Proposed Floor Plans; A1168(02)AP003_Rev.B Proposed Elevations.

3) Prior to occupation of the development hereby permitted, a detailed scheme for the storage and disposal of refuse, including segregated waste recycling, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented as part of the development and shall be retained thereafter.

4) The property shall only be used as a home in multiple occupation by no more than seven residents at any time unless agreed in writing by the local planning authority.

5) The detached garage shall only be used for ancillary or incidental purposes and shall not be used for additional bedrooms or be used in conjunction with any increase in the number of bedrooms in the house, or any increase in the number of occupants of the house.

6) Prior to occupation of the development hereby permitted, details of car parking, including demarcation of spaces and cycle parking arrangements on site shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved scheme has been implemented. The car and cycle parking measures as approved shall be retained thereafter.

Procedural Matter

2. The description of development in the heading above is taken from the decision notice and appeal form, as it is more accurate than that in the application form.

Main Issues

3. The main issues are whether the proposed development would, through intensification of the House in Multiple Occupation use, unacceptably affect the living conditions of

   a) future occupants, with particular regard to internal space and private amenity space, and

   b) neighbouring residents and future occupants, with particular regard to noise and disturbance, and c) the potential for increased parking demand.

Reasons

Background

4. The appeal site is a semi-detached dwelling in an area of mixed uses including residential, and with a retail park opposite the front of the site and playing fields to its rear. The effects of the proposal to be assessed are those of two additional bedrooms, the property's amended communal spaces and the increase in scale of the HMO.

5. In the Council's assessment, the appeal site is 'not located in an area with a high concentration of shared accommodation' and is 'an isolated HMO in a row of family housing'. Policy H11 of the Manchester Core Strategy (2012) (CS) sets out that in a non-high concentration area, the presumption is against changes of use which would result in the loss of a family dwelling. The appeal property was granted a Certificate of Lawful Development for a 5 bedroom HMO in 2017. As such, the appeal property is not a family dwelling, and the proposal would not result in loss of one. Accordingly, the proposal would not conflict with H11.

6. Policy H5 of the CS sets out that, amongst other things, in Central Manchester priority will be given to family housing**.** Whilst the proposal would not increase housing diversity, due to it small scale and HMO intensification, I see no reason to conclude that it would prevent provision of family housing. Moreover, the proposal would stimulate investment in the appeal property's fabric and potentially accommodate future graduates, with attendant potential future economic benefit to the city. As such, the proposal would not conflict with H5.

7. I have had regard to the appeal decisions for other properties in Manchester, cited by the Council[1]. The appeal site before me is not shown to be in an area with a high concentration of shared accommodation and has its own setting. Such factors distinguish the appeal site from the other sites. As such, I assess the proposal on its own merits.

Living space for future occupants

8. The number of occupants of the proposed development would be controlled at a maximum of seven by a planning condition. On the basis of an existing occupancy of five people, this would mean an increase of two occupants.

9. The kitchen, lounge and dining room of the existing appeal building provide, in combination, approximately 23 cu.m of internal communal space. This existing combined space is in an L-shaped configuration which is somewhat awkward spatially. The proposed development would provide approximately 25 cu.m of rectangular space, comprising a new, more unified and spacious feeling 'open plan' kitchen and dining room combination, with glazed double doors providing a view onto the rear garden. Whilst a separate lounge area would be lost, I consider that the proposed arrangement, described above, would provide qualitatively improved and slightly larger internal communal space, which would mitigate for this. As such, I find that the proposal would not, overall, result in a reduction in the standard of internal communal space, allowing for two additional residents.

10. Whilst the back garden space would be reduced by around a fifth, the bulk of the garden would be retained. I saw that the remaining garden space is reasonably private with a substantial brick side boundary wall adjacent to the alley, and has established trees and green views of the playing fields beyond. As such, it would provide a reasonably usable rear garden space, with scope for further landscaping enhancements.

11. In conclusion on this main issue, the proposed development would not harm the living conditions of future occupants, in respect of living space. As such, it would not conflict with Policies SP1 and DM1 of the CS and saved Policy DC5 of the Manchester Unitary Development Plan (1995, as saved 2007) (UDP). The policies, taken together, seek, amongst other things, to ensure that development safeguards the living conditions of residents.

Noise and disturbance

12. The appeal site is at the end of a row of semi-detached dwellings. It is bounded on one side by a public footpath which separates it from the property to the north. That boundary is enclosed by a brick wall, the rear part of which is a high perimeter garden side wall. To the property's rear are sports centre playing fields and to the front of it is the busy A34 Birchfields Road.

13. The appeal building's entrance would continue to be its own separate front door. This is set approximately in the middle of the front facade of the semi-detached dwelling and opens onto its own front garden and driveway area. The front door is separated from the adjoining dwelling by the front bay window. These factors, together, would go some way to reduce noise disturbance from people entering and exiting the building.

[1] Refs: APP/B4215/W/15/3126069 and APP/B4215/W/16/3146679.

14. Due to the above combination of factors, the appeal property is somewhat self-contained, relative to other dwellings in the vicinity, within a busy urban context, with appreciable noise emanating from a combination of nearby sources including passing traffic, the retail park opposite and the primary school across the road.

15. The Council is concerned that independent comings and goings of the additional two occupants, and the seven occupants in combination, as well as their visitors, would result in 'unacceptable levels of noise and disturbance' for surrounding residents, particularly families.

16. However, within the context of the HMO, the increase in comings and goings associated with the two proposed additional bedrooms would be modest. Moreover, the setting of the building, within a busy urban context, as described above, would in this case help to assimilate the increase in activity arising from the proposal. Having regard to all the above, I find that the proposed development would not result in a significant, harmful increase in noise and disturbance to neighbouring residents.

17. In conclusion, the proposed development would not harm the living conditions of future and neighbouring occupants, in respect of noise and disturbance. As such, it would not conflict with Policies SP1 and DM1 of the CS and Policy DC26 of the UDP. The policies, taken together, seek, amongst other things, to ensure that development safeguards the living conditions of residents, including noise levels.

Parking demand

18. The Council is concerned that the proposed development will result in additional on-street parking demand, in particular on Birchfields Road which runs past the front of the appeal property.

19. However, the appeal site is close to a bus stop on Birchfields Road. This provides the appeal dwelling with good access to frequent bus services to facilities and services in the city centre, university and Rusholme. In addition, the site is accessible to a comprehensive urban footway and on-road cycle network. Moreover, parking on Birchfields Road is restricted by a no-waiting order. Whilst detailed parking proposals at the property are not before me, from what I saw on site, there is room for at least two cars to park on its front drive. A detailed parking scheme, which will be required by planning condition, would, amongst other things, ascertain whether a third car could be parked on site.

20. Given that the proposed increase is for two bedrooms, the scale of the proposed development would not significantly increase demand for kerbside parking. Taking the above factors together, there would be good sustainable transport alternatives to car use, which would be realistically available for use by the two additional occupants and the other occupants of the proposed HMO.

21. In conclusion, the proposed development would support public transport use and would not increase parking stress in the area. As such it would not conflict with Policies SP1, T1 and T2 of the CS. Together these policies seek to ensure that development provides appropriate parking and supports good access to sustainable transport provision.

Conditions

22. 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. The suggested condition relating to number of occupants and use of the garage has been split into two conditions, to assist clarity and enforceability.

23. 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. Conditions regarding number of occupants and use of the garage is necessary to safeguard living conditions of residents. I attach a condition relating to parking in the interests of highway safety.

Conclusion

24. I appreciate the wish to achieve a balanced housing mix, including family accommodation. I note the Council's concern that the proposal would result in cramped living conditions, which they consider would encourage resident turnover and engender a lack of occupants' consideration for the neighbourhood. However, for the reasons described above, I find that, in this case, the proposal would provide acceptable additional living accommodation in a location which is near educational and retail park facilities in the vicinity, and is well served by sustainable transport access to services and facilities.

25. Moreover, the proposed development would provide opportunity for investment in the fabric of the appeal property and its use for affordable, residential accommodation. The above factors, in combination, would, in my judgement, reduce the likelihood of occupant turnover and disengagement with the neighbourhood.

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

William Cooper

INSPECTOR