The Planning Inspectorate

Appeal Decision

Site visit made on 27 November 2012

by Beverley Doward BSc BTP MRTPI

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

Decision date: 22 January 2013

Appeal Ref: APP/B4215/A/12/2180689
148 Platt Lane, Rusholme, Manchester, Lancashire, M14 7PY

- 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 David Johnson against the decision of Manchester City Council.
- The application Ref 099118/FO/2012/S1, dated 16 April 2012, was refused by notice dated 2 July 2012.
- The development proposed is the change of use from 2 x flats into a 5 bed HMO (C4).

Decision

1. The appeal is dismissed.

Procedural matters

2. Manchester's Local Development Framework Core Strategy Development Plan Document (Core Strategy) has been adopted since the application subject to this appeal was determined. It therefore forms part of the adopted development plan. Policies DC3 and H2.2 of the Unitary Development Plan for the City of Manchester cited on the Council's decision notice have been superseded by policies H11 and DM1 respectively of the Core Strategy.

3. The Council has confirmed that the reference to a 'proposed extension' in the first reason for refusal on its decision notice is an error and that it should instead refer to the 'proposed conversion'. I have therefore determined the appeal on this basis.

4. Two alternative ground floor layouts for the kitchen and bathroom were submitted with the application. At the site visit the Council confirmed that either layout is acceptable. I have therefore considered the appeal on this basis.

Main Issues

5. The main issues in this case are the effect of the proposal on the balance of housing provision in the locality and the housing market; and the effect of the proposal on the residential character of the area and the living conditions of neighbouring occupiers, with particular regard to noise, disturbance, refuse storage and parking.

Reasons

Balance of housing provision

6. The appeal site is a three storey, terraced property in an area that is predominantly residential in nature. It is subdivided into a one bedroom ground floor flat and a two bedroom flat on the first and second floors.

7. Policy H11 of the Core Strategy seeks to control further changes of use from a C3 dwelling house to a C4 HMO (House in Multiple Occupation) in areas which have a high concentration of HMO type properties within a short distance of the application site in order to, amongst other objectives, maintain the sustainability of neighbourhoods. The evidence indicates that around 90% of properties within a short distance of the site are HMOs.

8. New housing development is taking place in the wider area which will serve to widen the choice and tenure of housing provision in the locality. Furthermore, the appellant's intention to make the property fully accessible would also contribute to that choice. However, the proposal would result in another HMO intensifying the concentration of such properties in the immediate surrounding area. It would therefore further increase the imbalance of the housing mix with the consequential effect that the area will continue to be less attractive to families and more permanent residents. This would undermine the Council's strategic regeneration objectives of strengthening the local community and providing a more sustainable neighbourhood.

9. The appellant contends that policy H11 is not relevant to the appeal proposal since the current use of the property is not family housing as defined in the explanatory text to the policy. However, the proposal falls within an area where there is a high concentration of HMO type properties within a short distance. Therefore, it falls to be considered against the first part of policy H11 which presumes against any change of use from a C3 dwelling house to a C4 HMO. The use of the term 'family housing' in the policy only occurs in a subsequent clause, relating to areas of the city which do not have a high concentration of HMO/student housing. This is not the case here.

10. I conclude, therefore, that the proposed development would exacerbate the concentration of HMO type properties in the area, further increasing the imbalance of housing provision and undermining the Council's aim of achieving a sustainable and cohesive housing market. In this respect it is contrary to policy H11 of the Core Strategy.

Effect on character of area and living conditions

11. The appeal proposal would provide for a 5 bed HMO. Although the existing two flats have the potential to accommodate up to 6 people in two households, it is likely that the level of activity resulting from the comings and goings of 5 unconnected people in a HMO would result in some degree of intensification in the use of the property. However, I consider that it is unlikely to result in such a significant intensification as to cause unacceptable harm to the character of the area. An additional HMO in an area where there is already such a high concentration would not materially add to noise and disturbance in the area. The appellant intends to make some physical improvements to the appeal property and on my site visit I noted evidence that some of this work had already commenced. The upkeep of the properties in the area immediately

around the appeal site appears generally good and does not detract from the character of the area. Therefore, I consider that the use of the appeal property as a HMO would not cause significant harm to the character of the area.

12. At the time of my site visit (which took place on a weekday afternoon) the area around the appeal site was relatively quiet and there was adequate on-street parking available on Platt Lane and in the nearby residential streets. However, I appreciate this may be less so in the evenings and at weekends when people return from their place of work or study. Nevertheless, any additional on-street parking arising from the proposal would not cause harm. From my observations, I also noted that the large communal refuse/recycling facilities in the gated alleyway at the rear of the property were tidy. Therefore, taking all these factors into account I am not persuaded that the creation of another HMO at the appeal property would have a material impact on the living conditions of neighbouring occupiers, in relation to noise, disturbance, refuse storage and parking.

13. I conclude therefore that the proposal would not result in significant harm to the character of the area or the living conditions of neighbouring residents in the manner set out in policy DM1.

14. My attention has been drawn to an appeal decision in Southsea (Appeal Ref: APP/Z1775/A/12/2170613). Whilst there may be similarities between the two appeals I have not been supplied with sufficient information on the Southsea case to make a meaningful comparison. In any event, I have determined the appeal proposal on its own merits, bearing in mind the specific context of the appeal property and its surroundings.

Conclusion

15. In reaching my decision I have had regard to the statutory status of the development plan as the starting point for decision making. The National Planning Policy Framework (NPPF) states that proposed development that conflicts with an up to date Local Plan should be refused unless other material considerations indicate otherwise. Therefore, notwithstanding the above with regard to the effect on the character of the area and the living conditions of neighbouring occupiers, I consider that the proposal would conflict with policy H11 of the Core Strategy which seeks to maintain the sustainability of neighbourhoods. This aim is consistent with the principle of the NPPF to deliver a wide choice of quality homes in order to create sustainable, inclusive and mixed communities. The other material considerations cited by the appellant do not outweigh the conflict with the policy.

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

Beverley Doward

INSPECTOR

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