The Planning Inspectorate

Appeal Decision

Site visit made on 6 August 2014

by Alison Roland BSc DipTP MRTPI

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

Decision date: 2 September 2014

Appeal Ref: APP/B4215/A/14/2219571
9 Amherst Road, Manchester, M14 6UG.

- 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 Alan Roiter against the decision of Manchester City Council
- The application Ref: 103307/FO/2013/S1, dated 8 August 2013, was refused by notice dated 2 December 2013.
- The development proposed is conversion of existing 4 storey shared house into two separate shared dwellings. 1 No 6 bed dwelling at basement and ground floor with shared kitchen and bathroom facilities; 1 No 6 bed dwelling at first and second floor with shared kitchen and bathroom facilities.

Decision

1. The appeal is allowed and planning permission is granted for conversion of existing 4 storey shared house into two separate shared dwellings. 1 No 6 bed dwelling at basement and ground floor with shared kitchen and bathroom facilities; 1 No 6 bed dwelling at first and second floor with shared kitchen and bathroom facilities, at 9 Amherst Road, Manchester, M14 6UG, in accordance with the terms of the application Ref: 103307/FO/2013/S1, dated 8 August 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:Drwg No: P1076/01: Location Plan; Drwg No: P1076/02: Existing Plans; Drwg No: P1076/03: Existing Rear and Side Elevations; Drwg No: P1076/04: Proposed Plans; Drwg No: P1076/05: Proposed Rear and Side Elevations; Drwg No: P1076/06: Proposed Flat 1 Configuration; Drwg No: P1076/07: Proposed Flat 2 Configuration; Drwg No: P1076/08: Proposed Site Layout.

    3) No development shall commence until further details of the entrance to the lowermost dwelling, incorporating crime prevention measures, have been first submitted to and approved in writing by the local planning authority. The approved measures shall be in place prior to first occupation of any part of that dwelling and retained thereafter.

    4) No development shall commence until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to

and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the premises and retained for the duration of the approved use thereafter.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the concentration of Houses in Multiple Occupation (HMO) in the area and consequent impact on its character (2) the living conditions of nearby residents with regard to the potential for noise and disturbance and (3) the security of occupiers of the lowermost dwelling in terms of the adequacy of the proposed access arrangements.

Reasons

3. Policy H11 of the Manchester Core Strategy (CS) states that the change of use from a C3 dwellinghouse to a C4 HMO will not be permitted where there is a high concentration of such properties within a short distance of the application site. The latter paragraph states that notwithstanding these policy requirements, all proposals for change of use of existing properties into HMO's will only be permitted……where it will not materially harm the character of an area. On my reading of H11, the preclusion of changes of use from C3 needs to be applied with a degree of latitude, as the appeal premises is not currently a dwelling in C3 use (but is licensed as a HMO, albeit without planning permission) and neither, is there any suggestion of imminent enforcement action. Moreover, I note the Council assessed the proposal against the subsisting use of the premises as a HMO.

4. It is common ground between the parties that there is a high concentration of HMO's in the area and as such, the latter objective of H11 relating to the character of the area is pertinent. The appellant says the appeal property houses 13 individuals, whilst the proposed accommodation would house 12. On the face of it, that suggests to me that there would be no material increase in activity at the appeal premises.

5. Whilst the Council maintain that occupation by two households as opposed to the present arrangement would in their view increase activity, noise, anti social behaviour, waste generation and demand for parking, it is by no means clear why they believe this to be the case. It seems to me that occupation by two smaller households would be little different to the present arrangement. If anything, I would be inclined to the view that the more affable relations encouraged by the former, might facilitate greater co-operation and shared activities between occupants and a greater sense of responsibility and upkeep for the property, than one larger, possibly more disparate, household. Thus, whilst numerically speaking, the proposal would result in two HMO's where there presently is one, I do not consider it has been demonstrated that the resultant manner of occupation of the appeal property would be materially different.

6. Moreover, given the scale of the appeal property, with accommodation provided over four floors, with 15 potentially habitable rooms, not including bathrooms and hallway spaces, I consider it would not be likely to prove attractive to most average sized households. Its subdivision into two HMO's within a sustainable

location, a short walk from the District Centre, therefore appears to me to make efficient use of the premises.

7. Overall in relation to the first main issue, I conclude that it has not been demonstrated that the proposal would materially add to the concentration of HMO's in the vicinity, nor that the resultant change would be harmful to the character of the area.

8. My view in relation to the second main issue, is arrived at largely on the same basis as the first, namely that occupation of the premises by a marginally lower number of residents than at present, is unlikely to manifest itself in a greater degree of noise and disturbance. Moreover, the Council do not dispute the appellant's evidence that the attached property No 11 is also in use as a HMO, which would tend to suggest to me that there would be a greater level of reciprocal tolerance between residents of the two properties, than might otherwise be the case. Whilst the proposal would create an additional pedestrian entrance to the rear where there is none at present, any noise from footfall or voices is likely to be transient in nature and not materially intrusive to residents given the existence of a substantial boundary wall and fence to the adjoining property.

9. I am alive to the concerns of local residents in relation to disturbance caused by high spirited students and amplified music in the vicinity, but on the available evidence, this appears to be an issue of the street in general, as opposed to relating to the use of the appeal property. Moreover, some of the objections are based on the assumption that the extension to the property would facilitate a greater level of occupation, whereas in fact, the proposed extension is a modest addition to create an entrance to the lowermost dwelling, as opposed to resulting in more living accommodation and the number of residents at the property would reduce in numerical terms.

10. Overall in relation to the second main issue, I conclude that the proposal will not be likely to materially increase noise and disturbance in the locality. Accordingly, I find no conflict with Policies SP1 and DM1 of the Core Strategy for Manchester, which seek to promote high quality and diverse housing which resolves detailed planning issues, including noise.

11. In relation to the third issue, the proposed new entrance to the lowermost dwelling would be via a new external stair with access towards the rear of the property. Whilst I take the Council's point that there is limited natural surveillance of this entrance, the staircase would retain an existing window in the side gable, which whilst it is presently obscure glazed, would nonetheless retain a perception of surveillance, with it likely to be illuminated internally during hours of darkness.

12. In particular, access to the rear of the appeal premises is through a locked galvanized fence and gate mounted with anti climb spikes. Whilst it is unclear whether this is to be retained as part of the proposals, the appellant points out that further details of a secure gated entrance, possibly with a video entry system could be submitted and agreed with the Council. Such measures could be secured by the imposition of an appropriate condition and subject thereto, I conclude on the third main issue, that the proposal would have secure access arrangements. As such, I find no conflict with Policies DM1 and SP1 which seek

to ensure that new development addresses issues of community safety and crime prevention.

13. In addition to the standard time limit for commencement of the development and confining the approval to specified plans, the Council suggest a condition requiring details of waste storage and recycling facilities to be submitted and approved. As the proposal would result in an additional household, I agree this is reasonable and necessary to secure a satisfactory external appearance.

ALISON ROLAND

INSPECTOR