The Planning Inspectorate

Appeal Decision

Site visit made on 16 April 2014

by Matthew Birkinshaw BA(Hons) MSc MRTPI

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

Decision date: 29 May 2014

Appeal Ref: APP/B4215/A/14/2211026
43 Schuster Road, Manchester, M14 5LX

- 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 M Ammori against the decision of Manchester City Council.
- The application Ref 102166/FU/2013/S1, dated 10 April 2013, was refused by notice dated 3 July 2013.
- The development proposed is to change the use of the property from a C3 dwelling to a C4 dwelling (HMO).

Decision

1. The appeal is allowed and planning permission is granted for the change of use from single family dwelling (Class C3) to house in multiple occupation (Class C4) at 43 Schuster Road, Manchester, M14 5LX in accordance with the terms of the application, Ref 102166/FU/2013/S1, dated 10 April 2013, subject to the following condition:

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

Procedural Matter

2. I have referred to the description of development used on the appeal form and the Council's decision notice in my formal decision, as this more accurately describes the proposal.

Main Issues

3. The main issues are:

    - The effect of the proposal on the balance of housing provision and the housing market in the area; and
    - The effect of the proposal on the living conditions of the occupiers of neighbouring properties, having particular regard to noise and disturbance, waste management and the demand for car parking.

Reasons

Balance of Housing Provision

4. Policy H11 of *Manchester's Local Development Framework Core Strategy* deals specifically with proposals for houses in multiple occupation (HMOs). It states that the change of use from a dwelling to a HMO will not be permitted where

there is already a high concentration of properties nearby which are occupied by full time students, are recorded as licensed HMOs, or can be demonstrated to fall within a C4 or sui generis Use Class. Given the number of HMOs already on Schuster Road, the proposal therefore conflicts with Policy H11. Improving housing quality and delivering a more sustainable housing market through regeneration programmes are also important policy objectives for the Council, and I therefore fully appreciate the concerns that have been raised.

5. However, Schuster Road is a relatively modern estate which already contains a substantial number of HMOs. In supporting the appeal proposal evidence provided by 'The Residents of the Schuster Road Estate' identifies that based on inspections carried out in June 2013 approximately 74% of properties were HMOs, equating to roughly 90% of bed spaces. The residents group also suggest that rather than HMOs having changed or unbalanced Schuster Road, the estate has always provided accommodation for predominantly students and young professionals ever since it was built in 2003.

6. Thus, given the nature of Schuster Road and the vast majority of HMOs it already contains, I agree with the residents group and consider that the threshold above which an additional HMO would be harmful to the balance of housing provision has already been exceeded. In this context, whilst the change of use proposed would be contrary to Policy H11, it would not undermine the character or function of the immediate area which the policy seeks to protect. Similarly, dismissing the appeal and retaining the property as a family home is unlikely to alter the existing balance of housing on the estate which is already dominated by HMOs.

7. Furthermore, I appreciate that the planning system is not designed to protect particular personal interests. However, the appellant indicates that he has been trying to let the property, but with the only interest coming from young professionals. Whilst only limited information has been provided, it does nonetheless further demonstrate that the housing market on Schuster Road is already orientated almost entirely around the provision of shared accommodation. In this context, I consider that the addition of a further HMO is unlikely to undermine the sustainability of the estate, or its current ability to attract and/or retain families.

8. I therefore conclude that the proposal conflicts with Core Strategy Policy H11. However, by reason of the nature of Schuster Road, the history of its use and the significant number of HMOs that exist at present, it has already reached a point above which the scheme would not harm the overall balance of housing provision or the long term sustainability of the local housing market. For the same reasons the proposal would not undermine the wider strategic regeneration objectives of the area either. Consequently, I consider that these factors justify a departure from Policy H11, and in this particular instance, the use of the property as a HMO would be acceptable.

Living Conditions

9. The appeal property is currently a 4-bedroom house with 3 bathrooms, ample storage space and a separate kitchen/living room. The overall standard of accommodation is therefore high, and given that no new bed spaces are proposed, the scheme would not result in an over-intensive use of the house.

10. That being the case, I appreciate the Council's concerns that unrelated individuals with different lifestyles could lead to an increase in comings and goings, and that this could escalate levels of noise and general disturbance, to the detriment of neighbouring residents' living conditions. Evidence provided with the appeal also suggests that transient occupiers tend not to treat their surroundings in the same way as permanent residents, and that once a 20% HMO threshold is reached in an area problems tend to be harder to manage.

11. However, whilst the number of HMOs in Schuster Road far exceeds this threshold, I have not been provided with any evidence to suggest that it has led to any significant problems occurring in the past. In its current use the 4-bedroom appeal property could also accommodate a large family, which would be likely to generate frequent and noticeable comings and goings as well.

12. Moreover, the Council's evidence states that problems caused by shared houses appear to be more noticeable (and raise more concerns) where they occur in previously stable residential areas, and are felt most keenly by long-term residents where student concentrations have risen in traditionally family areas. However, in this instance evidence provided by the local residents group suggest that Schuster Road has always provided accommodation for predominantly students and young professionals. As a result, and taking into account that no specific examples of harmful noise and disturbance have been provided, I am not convinced that the proposal would lead to the same environmental and social problems as experienced elsewhere.

13. Concerns regarding the generation of waste and the demand for car parking are also noted. However, I have not been made aware of any objections from the Council's Environmental Health Officer, and no persuasive evidence has been provided to demonstrate why four unrelated individuals would generate substantially more waste than a large family occupying the house. Similarly, I appreciate that the appeal property only benefits from one dedicated car parking space at present. However, given that a family could also conceivably run more than one car, the potential for occupiers to have to park vehicles elsewhere would not be significantly different to the existing situation in this regard either.

14. I therefore conclude that the proposal would not harm the living conditions of the occupiers of neighbouring properties in relation to noise and disturbance, waste management or the demand for car parking. As a consequence, there is no conflict with Core Strategy Policies H11 or DM1 which require development to consider its effect on amenity, refuse storage and collection, and vehicular access and car parking. For the same reasons there is also no conflict with Policy SP1 which requires all development to make a positive contribution to the health, safety and wellbeing of residents.

Other Matters

15. The Council has not expressed a view regarding the effect of the proposal on the character or appearance of the Victoria Park Conservation Area. Nonetheless, I have had special regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance. However, as the proposal seeks a change of use with no external alterations, I am satisfied that it would preserve those interests.

16. I have also taken into account the Highway Officer's concerns that additional on-street car parking outside the appeal property on a bend, close to a T-junction would reduce visibility and affect manoeuvrability. However, at the time of my site visit I saw that Schuster Road was a relatively quiet, lightly trafficked residential street with the section serving the appeal property leading to a private car park and a small cul-de-sac. Consequently, even in the event that some limited on-street car parking did occur, I am not convinced that this would severely prejudice highway safety.

17. Concerns regarding precedent are also noted. However, each case must be considered on its own merits. In this instance, I have found that the proposal would be acceptable due to the specific context of its surroundings and the scale of development proposed. As a result, I am satisfied that my findings will not lead to an undesirable precedent leading to other HMOs elsewhere.

18. Finally, I have taken into account the publication of the national Planning Practice Guidance. However, in light of the facts in this case its content does not alter my conclusions regarding the effect of the proposal on the balance of housing provision and the housing market in the area, or the living conditions of the occupiers of neighbouring properties.

Conclusion and Conditions

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

20. Aside from the standard time limit, the Council has suggested that a condition requiring the approval of a scheme for the storage and disposal of waste is necessary. However, the proposal seeks a change of use of an existing 4-bedrom family home which already has four bins for the segregation of recycling and household waste along with space at the side of the property for storage. Based on the evidence provided, I am therefore not convinced that the condition is necessary to make the development acceptable.

21. No other conditions have been suggested by the Council, and I agree that none are necessary in this instance.

Matthew Birkinshaw

INSPECTOR