The Planning Inspectorate

Appeal Decision

Site visit made on 12 December 2013

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 20 January 2014

Appeal Ref: APP/B4215/A/13/2206969
43 Leighbrook Road, Manchester M14 6BG

- 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 Daniel Sudbury against the decision of Manchester City Council.
- The application Ref 103034/FO/2013/S1, dated 16 July 2013, was refused by notice dated 7 October 2013.
- The development proposed is the erection of a single storey side extension.

This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 15th January 2014

Application for costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission is granted for the erection of a single storey side extension at 43 Leighbrook Road, Manchester M14 6BG in accordance with the terms of the application, Ref 103034/FO/2013/S1, dated 16 July 2013 and 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: Titled - Existing Plan and Elevations, Proposed Side Extension, First Floor Plan and the Location Plan that shows the site edged red.

    3) No development shall take place until samples to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Main issues

3. The main issues are how the proposal sits with regard to planning policies that govern houses in multiple occupation and the effect of the proposal on the character and appearance of the local area.

Reasons

4. The proposal is to erect a single storey side extension to the appeal property, 43 Leighbrook Road, which is a 2-storey semi-detached house with a large single storey rear addition. Like several properties in the local area, which is predominantly residential in character, No 43 is in use as a house in multiple occupation (HMO). A significant amount of accommodation in the local area, including No 43, caters for students.

5. The plans show that the existing property has 6 bedrooms and a communal kitchen, dining and living room, with a bathroom at both ground and first floor levels. The proposal is to enlarge and remodel the ground floor accommodation to provide a larger kitchen, dining and living room. In doing so, it is possible, as the Council suggests, that the HMO, once enlarged, could be subdivided in a way that has potential to lead to an increase in the number of occupiers.

6. Policy H 11 of the Council's Core Strategy Development Plan Document (CS) states that in areas of high concentration, extensions to HMOs will not be permitted where this could reasonably be expected to lead to an increase in the level of occupation. This stance appears to reflect the findings of a Student Strategy, which found that the problems caused by shared houses were more noticeable and raised more concerns to residents where they occurred in previously relatively stable neighbourhoods, especially in those areas with between 20 to 40% student households. While there appears to be no agreed definition in the CS as to what constitutes a 'high concentration' the Council's appeal evidence shows No 43 to lie within an area wherein 30-39% of residential properties are in multiple occupation. The evidence also illustrates that there are significant number of properties that are let to students in the vicinity of the site. In those circumstances, I consider that CS Policy H 11 is relevant in this case and that the Council's general concern with regard to proposals to extend HMOs is not without foundation.

7. However, in this case, no increase is proposed to the number of bedrooms and the appellant strongly contends and has repeatedly stated in writing that it would not result in an increase level of occupancy. While an internal partition wall could be introduced to create an additional bedroom within the new extension, I am not convinced that this is a likely or realistic outcome. A much smaller communal kitchen, dining and living room would result compared to the appeal scheme to potentially serve more occupiers, with an awkward arrangement of windows. The appellant has also referred to the difficulty of meeting the required standards under Building Regulations.

8. If an additional bedroom was introduced then the property could accommodate an extra person and that, in turn, would exceed the threshold for a HMO under Class C4. Whether or not such a change would be easily detectable or require planning permission are not matters for me to decide as part of this appeal because they do not form part of the proposal before me.

9. An increase in occupancy might lead to some additional activity, such as the general coming and going of people and their visitors, to the house. In my opinion, the additional noise and general disturbance to local residents would not necessarily be greater than from a group of up to 6 individual occupiers, as at present. While the Council considers that the proposal could add to local parking problems, there is no detailed evidence before me to support this assertion. Even if the proposal did lead to additional parking demand, the increase is unlikely to be discernable especially as part of the driveway would be retained for off-street parking even with the new built form in place. I appreciate that in areas where there is a high proportion of student lets that void periods during summer months can cause a noticeable reduction in the demand for local goods and services in the local area. However, I doubt that an increase in the occupancy of the appeal property, if it did take place, would in itself exacerbate that very short-term trend to such a degree that local businesses and services would suffer a consequence.

10. By providing extra space for the main communal room within which to sit, eat and cook, I consider that the proposal would enhance the living conditions for its occupiers through provide better quality accommodation. In doing so, the appeal scheme would accord with a core development principle in CS Policy SP1, which is to positively contribute towards the health and well being of residents. Promoting healthy communities also forms an important part of the National Planning Policy Framework (the Framework), with which the proposal would be consistent. In addition, the Council raises no objection to the design and appearance of the proposed extension. I, too, find the new addition acceptable because it would be modest in scale, height and depth, and appropriate in position, design and appearance. It would respect the visual character of the existing property and those nearby.

11. Taking all of these points together, I conclude that the proposal sits comfortably with planning policies that govern HMOs and that it would be in keeping with the character and appearance of the local area. As the appeal scheme would necessarily result in an increase the number of occupants or lead to an overly intensive use of the appeal property it would not seriously undermine the Council's policy aims to control HMOs nor prejudice the Council's efforts to provide more sustainable and cohesive neighbourhoods. Accordingly, it complies with CS Policies SP 1, H 11 and DM 1, which aim to ensure that development positively contributes to creating neighbourhoods of choice and has regard to the character of the area and its effects on amenity. It would also be consistent with the main thrust of the Framework, which is to encourage sustainable forms of development.

Conclusion and conditions

12. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed subject to conditions. As No 43 occupies a prominent corner plot, it is important that the enlarged property has a unified appearance with respect to the materials used. The age of the building indicates that this can be most effectively achieved if samples are submitted for approval before work starts. I consider that it is necessary to impose a condition to this effect, in the interests of achieving a satisfactory appearance for the building. Also, for the avoidance of doubt and in the

interests of proper planning, it is necessary that the development be carried out in accordance with the approved plans.

Gary Deane

INSPECTOR