
Appeal Decision

Site visit made on 24 July 2025

by S Hartley BA(Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/B4215/W/25/3364975

16 Anfield Road, Manchester, M40 3NS

- 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 Pechev (Valery Home Décor) against the decision of Manchester City Council.
 - The application reference is 142035/FO/2025.
 - The development proposed is for the retrospective application for a change of use from a C3 dwelling to a C4, 6 bed HMO in an Article 4 area, together with retrospective approval for a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made retrospectively.

Main Issues

3. The main issues are (i) the effect of the loss of a family dwelling upon the wider need to create and maintain a balanced and sustainable community; (ii) the effect upon the living conditions of the occupants of neighbouring dwellings in terms of noise, disturbance, waste generation and the demand for parking and (iii) whether adequate external amenity space would be provided for prospective occupiers.

Loss of family dwelling

4. The appeal property is a semi-detached, three-bedroom house, probably dating from the early twentieth century, in a row of similar dwellings. It includes a rear and front garden and there is a grassed open area in front of it and the adjoining houses separating them from the main estate road so that access to the fronts of the houses is by footpath only.
5. To the rear of the property boundary is a linear area of informal open space which incorporates a public right of way that runs parallel with the property.
6. The proposal is for the conversion of the building to provide a six bedroom house in multiple occupation (HMO) with three rooms on the ground floor, including a communal kitchen, dining and communal area, and three bedrooms on the first floor. The proposal also includes a single storey rear extension to be used in part for one of the ground floor bedrooms, with the remainder used to extend the communal kitchen, dining and communal area.

7. On my site visit I was able to see that the rear extension has been completed, as has internal refurbishments to the original house.
8. In 2011, the Council made an Article 4 (1) Direction under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) to remove permitted development rights for changes of use from dwellings to HMOs (Use class C3 to C4).
9. The appeal property lies in the northern part of the city. Policy H3 of the Manchester Core Strategy Development Plan Document 2012 (CS) states that *'priority will be given to family housing and other high value, high quality development where this can be sustained'*.
10. The background explanation for the policy states that *'43% of housing in North Manchester consists of 2-bedroom houses or apartments and 53% is privately rented or socially rented property (Housing Needs Assessment 2007, Fordhams)'*. The CS considers that new development will provide significant opportunities to help change the character of the area and will support the economic growth of the City Region by providing a more balanced community, and *'where there is a need for 3-4 bed family housing'*.
11. I appreciate that the background explanation is not actual planning policy, though it aids in understanding the reasons for policy H3 and the priority which it gives to family housing.
12. Policy H11 of the CS is concerned specifically with the proposed change of use from a family house to an HMO. The policy states that *'in parts of Manchester which do not have a high concentration of HMO/student housing but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. Changes to alternative uses, including C4 and HMOs with more than six occupants, will only be acceptable where it can be demonstrated that there is no reasonable demand for the existing use'*.
13. I have not been made aware of there being a high concentration of HMOs in the area and where, had that been the case, this might have diminished the weight to be given to the above policy.
14. In addition, while I have no information before me of any specific regeneration activity, policy H3 of the CS sees new development as an opportunity to achieve such regeneration by meeting the demand for three and four bedroom houses.
15. The appellant notes, as evidence of a lack of such demand, the poor state of the property and the fact that it has been advertised for sale for over 7 months without any sale. However, the advice from the estate agent, quoted by the appellant, is that the renovation of the property would be likely to stimulate such a demand. In such circumstances, I do not consider that that this issue outweighs policy H11 which has a presumption against the loss of a dwelling which is suitable for a family.

16. Therefore, I conclude that the proposed development would not accord with policies H3 and H11 of the CS which aim to retain family accommodation in the area.

Living conditions

17. Policy H11 of the CS states that the proposal should only be permitted '*where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1*'.
18. Policy DM1 states that all development should have regard to some of those aspects considered by the local planning authority (LPA) in its decision notice to be unacceptable including an alleged '*increase in the levels of activity, noise, disturbance levels, waste generation and demand for parking*'.
19. However, the use of the property as an HMO would not be very dissimilar in terms of noise generation and the need for waste disposal facilities, to its use as a family dwelling where its three bedrooms could accommodate the same number of people as the proposed HMO. It is possible that there would be some intensification of use when compared to a family house, with occupants having their own living patterns in terms of deliveries and visitors and parking, but these matters are unlikely to be substantially different in terms of the impact upon the character of the area than the use of the appeal building as a family house. I have no evidence before me to suggest that the upkeep of the property would differ significantly in relative terms based upon the type and tenure of occupation.
20. Therefore, on balance, I conclude that the development would not substantially conflict with policy DM1 of the CS which requires development to have regard to its effect upon the character of the area in which it is to take place, and with chapter 12 of the National Planning Policy Framework 2025 (the Framework), which requires the same.
21. Policy SP1 of the CS and quoted by the LPA as a reason for refusal is not pertinent in this instance as it deals not with these matters but with general spatial principles.

External private open space

22. The proposed development includes a single storey rear extension which is already constructed. It takes up the vast majority of the rear amenity space of the property, leaving only a narrow strip of land to its side and rear, some of which is to be used for bin and cycle storage.
23. The LPA concedes that it has no policy specifying a minimum requirement for the amount of amenity space. Notwithstanding this, CS policy DM1 requires that new development must have regard to the adequacy of external amenity spaces, while the LPA's Guide to Development Supplementary Planning Document (SPD) states that all residents should be able to enjoy private amenity space and that such space should be fit for purpose.
24. In this instance, the proposed extension leaves little space for occupiers of the premises for example to sit out, dry washing or for landscaping and gardening. This would apply whether the premises were to be used either as a family home or as an HMO. Neither would it provide a sufficient area for children to play.

25. I acknowledge that there is close nearby, other open space, but this lacks the control and privacy applicable to private amenity space.
26. Therefore, I conclude that the extension would conflict with the requirements of policy DM1 of the CS, and with the SPD, and would also not accord with paragraph 12 of the Framework which requires development to achieve good design with a high standard of amenity.

Conclusion

27. I have concluded that the proposed development would lead to the loss of a family dwelling, contrary to the Council's development plan. I have also concluded that the proposed rear extension would have an unacceptably adverse impact upon the external amenity area of the property. Such adverse impacts are not outweighed by only the limited impact which the HMO might have in terms of its effect upon the character of the area when compared to the use of the premises as a family home.
28. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR