

TOWN & COUNTRY PLANNING ACT 1990

WRITTEN REPRESENTATIONS PLANNING APPEAL

LOCAL PLANNING AUTHORITY: MANCHESTER CITY COUNCIL

LPA REF NO: 141340/FO/2024

PROPOSAL: CONVERSION OF EXISTING 12 BEDROOM HOUSE IN MULTIPLE OCCUPATION AND SEPARATE SELF CONTAINED APARTMENT TO 14 BEDROOM HOUSE IN MULTIPLE OCCUPATION (SUI GENERIS) AND ASSOCIATED ELEVATIONAL ALTERATIONS

LOCATION: 49-51 KNUTSFORD ROAD, MANCHESTER, M18 7NJ

APPELLANT: MR REMON JAGER, B&R ASSETS LTD

WRITTEN STATEMENT OF CASE

BACKGROUND

This appeal relates to the conversion of an existing 12 bedroom house in multiple occupation and separate self-contained flat to a 14 bedroom house in multiple occupation (sui generis) and associated elevational alterations.

Therefore, it is important to note that the appeal property was (up until 12th May 2024 according to the Planning Officers Report) operating as a 12 bedroom HMO and 1 bedroom flat (2-person), so the HMO increase proposed is 2 persons (although the existing 1 bedroom 2-person self-contained flat will be lost). Therefore, the overall numbers of people at the appeal site will remain at 14 (neutral).

According to the Planning Officers Report on pages 2 & 3;

“This development involves the expansion of the existing HMO form [sic] 12 to 14 bedrooms. This would involve the reconfiguration of properties to form:

- i. Basement – Conversion of the existing flat in the basement into two bedrooms with ensuite bathroom. A laundry room with separate access from the rear garden would be retained.
- ii. Ground floor – Formation of four bedroom with en suite bathrooms, A [sic] kitchen and separate kitchen / dining room.
- iii. First floor – Formation of eight bedrooms with en suite bathrooms.
- iv. The roof space accommodation would not be used to provide additional bedrooms.

External alterations would include:

- i. The enclosure of a ground floor window to the side (southern) elevation.
- ii. The partial enclosure of a doorway to the rear (eastern) elevation to allow the formation of a window. A window opening the rear elevation [sic] would also be enclosed (in relation to bedroom 2).

The external layout comprises:

- i. Three car parking spaces (one accessible) within the front garden.
- ii. Bin storage adjacent to the southern boundary.
- iii. Cycle storage adjacent to the eastern boundary”.

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THE PLANNING APPLICATION / REFUSAL NOTICE

A planning application for the development was submitted and validated on the 22nd October 2024.

This application was unfortunately refused on the 17th December 2024.

The refusal notice issued by the LPA cites one reason for refusal as follows;

- 1) The proposed development would result in the loss of a self-contained flat and the formation of a 14 bedroom house in multiple occupation, which would lead to the overly intensive use and transient occupation of 49-51 Knutsford Road. The resulting increase in the levels of noise and disturbance associated with related activity, comings and goings, traffic generation and demand for on-street car parking would be harmful to the character of the area, the amenity of neighbouring residents and the formation of a sustainable community. The development would therefore be contrary to policies DM1 and SP1 of the Core Strategy for the City of Manchester, saved policy DC26 of the Unitary Development Plan and policy JP-P6 (Health) contained within Sustainable Development Joint Development Plan Document – Places for everyone.

These issues will now be addressed as follows;

First, we need to examine the original use of the subject property;

Existing use – 12 bedroom HMO plus a self-contained 1-bedroom (2-person flat).

Proposed use – 14 bedroom HMO

Therefore, it can be seen that the exiting number of bedrooms was 13 and the proposed number of bedrooms is 14 (thus, there is no material increase in the number of bedrooms at the appeal site).

Further, the loss of a 1-bedroomed (2-person) self-contained flat, which is more likely to have occupiers who own or have access to a private car, will also potentially reduce the likely traffic impacts in the area (as it is generally accepted by many councils, planning inspectors, HMO operators and planning consultants working in this area of planning law that HMO occupiers are less likely to be car-owners). In summary, the impact of the proposal will either be minimal or neutral.

Concluding, it is considered the entire contents of the Planning Officers report, comments, summary of issues and conclusions is fundamentally flawed and based on inaccurate assumptions as there will be no material increase in the levels of noise, disturbance, comings and goings or traffic generation.

WRITTEN CASE FOR THE APPELLANT

The LPA seem to consider that the use of the property as a House in Multiple Occupation for 14 persons and loss of the 1 bedroomed self-contained flat (2-person) would be overly intensive and fail to provide an appropriate mix of housing types in the locality, by increasing the supply of HMO accommodation attractive to low income and transient occupiers, which they consider would have a detrimental impact upon the levels of noise, disturbance, comings and goings, traffic, character of the local area, the amenity of neighbouring residents and the formation of a sustainable community.

In this regard, it is considered that the LPA have no empirical evidence to support such claims. Low cost and short term housing is a very importance tenure of housing. It provides accommodation for people who are not able to afford to buy their own home or find other suitable housing elsewhere.

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These could include;

- 1) Those who have just moved to the area and require a quick resolution to their housing requirement.
- 2) People from the area, moving out of their current home, i.e. relationship break-up, moving out of parent's house for the first time etc, that now require a new home.
- 3) Low income groups who have perhaps just started a new job or are on job seekers allowance.
- 4) Any other person struggling to afford their own home, providing them with a safe and affordable place to live.
- 5) Students.
- 6) People who have no other housing options, i.e. who do not qualify for Local Authority Housing Accommodation.
- 7) Disabled persons as the building was previously a private hotel and then a charitable hostel and is currently being refurbished to be fully HMO compliant / equipped with disabled facilities and access arrangements.

Such people are not necessarily transient and often reside in such accommodation long-term as their sole main residence. Thus, the council's noted comments are no more than unsubstantiated opinion.

It is accepted that they are likely to be on a low income, but surely they deserve an affordable, safe and warm place to live as much as anyone else.

Therefore, it is considered that the appeal proposal provides greater choice in the private rented sector and thus contributes to an appropriate mix of housing type in this locality, contributing to sustainable communities, not detracting from it.

It is thus an important form of housing tenure and continues a long-standing HMO use at the site.

The loss of the flat is compensated by the provision of additional HMO accommodation (with 14 bedrooms of accommodation remaining) so the overall impact of this change is not considered to be a material issue as the total number of existing and proposed occupiers will still be 14 persons.

Indeed, having all of the property as a HMO is considered to be an improvement as all of the occupiers will be of a similar type and not mixed for example with any family accommodation.

Further, the loss of a 1 bedroom (2 person) self-contained flat may actually reduce parking demand.

Given that the overall impact is from 13 bedrooms to 14 bedrooms (an increase of 1 bedroom but the occupier rate of 14 stays the same – neutral), it is considered that the council's argument that the proposal is 'overly intensive' does not stand up to independent scrutiny and all of the negative points raised in the Planning Officers Report are flawed and thus not a sustainable reason for refusal.

The appeal property is a very large building, with ample room to accommodate the layout and provision of accommodation set out in the submitted planning application architectural drawings.

Once the building is fully let, it will provide a secure, safe and warm modern home to 14 individuals.

The appellant is assured that all of these persons will be pleased with their new accommodation.

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As far as we are aware, there has only been one neighbour complaint from nearby residents which demonstrates that generally, the appeal proposal does not have any detrimental impact upon the amenity of other local residents. Indeed, the issue may have arisen from the 1-bedroomed flat and without knowing the specifics, it is difficult to make any rational judgement from only one complaint. Unfortunately, this type of incident can occasionally happen in any tenure of residential housing including large family properties at the top end of the market so does not justify a refusal.

Further, as the majority of the residents in the appeal building are unlikely to own a car, it is considered the proposed use will create no additional vehicular activity or congestion, over and above the previous use of the property as a 12 bedroom HMO with 1 bedroomed self-contained flat.

Indeed, as we have previously mentioned, the loss of the flat could actually reduce parking demand as a residential flat occupier may be more likely to be a car-owner than a person in a HMO property.

It should also be borne in mind that the sites planning history includes a private hotel and hostel.

If the appeal was to fail, the property would likely return to its use as a 12 bedroom HMO and flat so similar issues to those referred to in the 11 page Planning Officers report would arise in any event.

The LPA considers that the site has insufficient arrangements for the parking of vehicles within the curtilage of the site and it is considered that the potential requirements for car parking generated by the proposed use would result in an increase in traffic generation and demand for on-street parking which would be harmful to the character of the area and the amenity of neighbouring residents.

In this regard, again it is considered that the LPA have no empirical evidence whatsoever that the proposed use would cause any additional traffic generation or demand for on-street car-parking.

The property provides for 3 no car parking spaces (1 disabled) and also for 12 no cycle spaces.

Given the accepted assumption that the majority of HMO occupiers are less likely to own a private car and thus more likely to rely on other more sustainable modes of transport including walking, cycling and public transport it is considered the existing and proposed level of car-parking and cycle-parking provision is adequate and appropriate for both the current and proposed uses.

The LPA have no empirical evidence to support their view that the current appeal proposal will generate additional traffic generation or on street car-parking demand and on this basis, it is considered that this reason for refusal is not soundly based or supported by any actual evidence.

CONCLUSIONS

It is considered that the proposal has paid due regard to policies DM1 and SP1 of the Core Strategy for the City of Manchester, saved policies DC26 of the Unitary Development Plan and policy JP-P6 (Health) contained within Sustainable Development Joint Development Plan Document – Places for Everyone and also, the national guidance within the latest National Planning Policy Framework 2024.

Indeed, providing high quality new HMO accommodation for people on a low income is probably the most importance way to contribute to an adult's health as it provides them with a solid foundation.

The appellant and their appointed architectural consultants have taken great care to assimilate the proposed new development in a manner to reduce any potential harm to the street scene and reduce the impact upon neighbours or other surrounding properties by reason of noise and disturbance. Also, the external changes proposed are minimal and have no detrimental impact.

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We believe the scheme is successful in this regard and that there would be no material detriment to either the street scene or residential amenity.

Nor is it considered that the proposal will result in any harm as a result of; 'loss of a self-contained flat, overly intensive use and transient occupation, increase in noise and disturbance associated with related activity, comings and goings, traffic generation and demand for on-street car parking'.

The development would not therefore be harmful to the character of the area, the amenity of neighbouring residents or to the LPA's stated aims in the formation of sustainable communities.

The LPA are also aware that the site has a planning history as a private hotel and charitable hostel, and more recently as a 12 bedroom HMO plus a 1 bedroom (2-person) flat for up to 14 persons.

When taking into consideration the previous uses of the site, on balance it is respectfully considered that no material harm will result and that there are no sustainable grounds to warrant withholding planning consent in this instance.

It is considered that the occupiers of the appeal site are unlikely to have use of a private car and it is considered that the use does not give rise to either traffic generation or on-street car-parking issues.

The site is located in an area where the proposed occupants can easily utilise other modes of transport, rather than the private car, to access important day-to-day services and shopping facilities. The appeal scheme thus represents a particularly sustainable form of development and will utilise energy efficient materials, including high performance insulation products and low carbon emitting appliances and low energy lighting sources.

Concluding, it is considered that the appellant has paid all due regard to all interests of acknowledged importance and the appeal proposal therefore accords with both local planning policies and national planning guidelines referred to by the LPA.

We therefore respectfully request that the appeal proposal be allowed with any necessary and reasonable planning conditions deemed appropriate by the appointed Planning Inspector in this particular case to allow the development to provide 14 persons with good quality new homes.

Such planning conditions which meet the relevant 6 tests of planning conditions could include;

1. The development hereby permitted shall be carried out in accordance with the approved plans;
2. No more than 14 people shall permanently reside at the premises at any one time;
3. The scheme for the storage and disposal of refuse shown on the submitted plans shall be provided at the site before occupation of the HMO and shall thereafter be permanently retained for the lifetime of the development;
4. The scheme for on-site car-parking and cycle parking shown on the submitted plans shall be demarcated, provided and made available for use at the site before occupation of the HMO and shall thereafter be permanently retained for the lifetime of the development.

We therefore respectfully consider that the appeal proposal should be granted consent without delay given the new governments comments concerning planning delays and housing delivery.

Mr. Raymond Henry Ashall BA Hons DIP EP MRTPI - Principal

Ashall Town Planning (Established 1993) - January 2025