

Grounds of Appeal



**50 Richmond Grove
Manchester
M13 0DP**

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1- Introduction

- 1.1 This report provides the grounds of appeal against the decision to refuse a planning application for the change of use of 50 Richmond Grove, Manchester, M13 0DP from a Sui Generis: Large 9-bed HMO to Sui Generis: Large 12-bed HMO (House of Multiple Occupation).
- 1.2 After consultation with the planning officer and officer report it has been determined that the reason for refusal was primarily in relation to Core Strategy policy DM1 and the assumed adverse impact on the residential character of the area. Specific reference was made to potential noise disturbance/increased activity from an intensification of the site, the quality of internal space, waste arrangements and a potential increase in traffic generation/on-street parking.
- 1.3 These grounds of appeal will go through the planning policies the proposal does comply with and also explain how the proposal could enhance the community whilst providing the area with much-needed alternative housing options. It will also attempt to quash the presumptuous reasons for refusal by presenting facts and measures that have been implemented, as well as highlight the flexibility of aspects of the proposal and the applicants significant experience managing HMOs.



2- Background

- 2.1 The applicant purchased the house in 2022, with the house already in operation as a 9-bed HMO. Their plan was to renovate and convert into a 12-bed HMO by changing the layout and raising the ground floor to convert the basement, removing the need for extensions.
- 2.2 Subsequently, a planning application was put in for 'Elevational alterations to include windows, additional steps to front elevation and new patio escape door to rear' to begin to facilitate the transition to a 12-bed HMO. This application was validated on the 19th January 2023 and was put to consultation on the 16th February 2023.
- 2.3 However, the applicant was advised that the house did not have permission to operate as a Sui Generis large 9-bed HMO and the application was subsequently withdrawn.
- 2.4 In response, the applicant submitted an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under 'Use of property as a 9-bedroom House in Multiple Occupation (Sui Generis)', validated on the 29th March 2023. This was refused on the basis that the council deemed there was insufficient evidence to demonstrate continuous 10-year operation as a 9-bed HMO.
- 2.5 On the 28th March 2024, the applicant submitted another CLEUD application under 'Use of property as a Large House in Multiple Occupation for 7 to 9 tenants (Sui Generis)'. The application was validated the same day and subsequently approved on 24th May 2024 as it was determined that the applicant had provided sufficient evidence to prove that the HMO had been in continuous use by at least 7-people in the previous 10 years.



3- Grounds of appeal

- 3.1 This section sets out the grounds of appeal for the application by firstly considering the reasons for refusal and how the applicant feels they have complied with the relevant planning policies considered.
- 3.2 This section will be split to address the specific reasons for reasons for refusal: Quality of internal space, potential noise disturbance from increased activity, waste generation and traffic generation/parking arrangements. It will then relate this to the policies mentioned in the officer report and the proposed management measures/past experience.

Reasons for refusal

Quality of internal space

- 3.3 The principle of the development was highlighted in the officer report, with a portion of it detailing how the 'proposed layout will not secure a quality of space that would encourage sustained occupation of the property', leading to a 'cyclical change in occupiers' that is perceived to have a negative impact on the character of the area and undermine the formation of cohesive communities. However, there is no specific reference to any of the internal layout and how it fails to secure quality of space. The following points demonstrate how the proposed layout will actually increase quality of living for tenants, hence incentivising more long-term tenancy:

- **Improved Bathroom Facilities:** The proposed layout includes 6 en-suite bathrooms and 3 communal bathrooms, all designed to meet required space standards (pending confirmation from the council). This setup ensures that 6 tenants will have private bathrooms, while the remaining 6 will share 3 bathrooms. This represents an improvement over the current configuration, where 9 tenants share 4 bathrooms and a small WC, with no en-suite facilities. The tenant-to-bathroom ratio is comparable but the enhanced amenities on offer demonstrate this improvement.
- **Compliant Bedroom Sizes:** All bedrooms in the proposed layout will exceed the minimum size of 10.2 m², ensuring adequate personal space for each tenant.
- **Enhanced Kitchen and Social Spaces:** The proposal consolidates the existing two kitchens over two separate floors into one large kitchen on the ground floor that has an area totalling 20.7 m², significantly above the minimum

requirement of 16.7 m². This change fosters greater interaction among tenants as they will all use the same kitchen, encouraging social contact through a shared space. The implementation of the living/dining area adjacent further encourages interaction as tenants have a space to prepare food and enjoy it together, as well as one to relax in. This type of space promotes a communal environment within the HMO, one that the existing layout lacks.

- **Additional Amenities:** The removal of the second-floor WC and the conversion of the basement will create two laundry rooms, enhancing the amenities available to tenants compared to the existing layout.
- **Improved Light and Liveability:** The inclusion of lightwells at the front and rear of the property will ensure that the basement becomes a liveable space, contributing to the overall quality of living for the three tenants occupying that area.

- 3.4 These points illustrate how the proposed layout will actually improve the standard of living for tenants in the property by increasing amenities and complying with relevant policy. Therefore, the proposal is unlikely to lead to an increase in cyclical tenancy compared to the existing layout, instead incentivising longer term tenants and proving that concerns regarding the quality of internal space are unfounded. The potential for the layout to increase social interaction and community within the HMO with scope for this to expand to the neighbouring area acts to outweigh the speculative negative impacts that the additional three tenants could have on the community.

Noise disturbance

- 3.5 Concern was raised regarding the proposed increase in occupancy from 9 to 12 residents relating to the potential for increased noise disturbance from intensification of the site. The officer's report emphasises that the increased frequency of 'comings and goings' could harm residential amenity in the area due to associated noise.
- 3.6 However, it must be noted that this increase is assumed and is not able to be quantified, undermining its validity as a reason for refusal. Coupled with this, the house is already in operation as a 9-bed HMO, mitigating the impact of the additional three tenants proposed in comparison to other projects like conversion from a smaller Class C4 HMO or C3 dwelling.

- 3.7 It must also be noted that it is assumed that access to the proposed basement bedrooms is to be from the inside of the house. While the steps and balustrade added to the front elevation as part of the lightwell being noted as use for 'emergency egress' in the report is valid, it can also be used as everyday access to bedroom 03 by one of the three new tenants. This could reduce the additional comings and goings in the main entrance to two, mitigating the risk of noise from this activity being concentrated to one entrance.
- 3.8 The proposal makes use of existing basement space to create three extra bedrooms and associated amenities, with no external extensions proposed. Due to this, noise generated by tenants will be limited to the existing structure, further mitigated by the basement area being naturally more insulated for sound due to its location underground. Therefore, by utilising existing space and not proposing any extensions, noise disturbance is mitigated.
- 3.9 The semi-detached configuration of the property offers a degree of separation from neighbouring homes. The significant distance between 50 and 48 Richmond Grove means that any noise is unlikely to impact residents at number 48, mitigating the scale of potential noise disturbance to neighbours in the area.
- 3.10 The proposed layout also acts to foster a stronger community among residents, which can indirectly reduce noise disturbances. By consolidating the two existing kitchens into a single, larger kitchen on the ground floor, the proposal encourages residents to gather and interact. This shared space promotes social contact, as all tenants will be using the same kitchen. The addition of a new living/dining area adjacent to the kitchen further supports this social interaction, allowing residents to engage in everyday activities together. This increased social connectivity between tenants can reduce the chance of negative noise disturbance from 12 unrelated people living together in an HMO stemming from anti-social behaviour.
- 3.11 In summary, the communal layout, use of existing structure with no proposed extensions, semi-detached nature of the house and creation of more entrances to the property all act to mitigate the potential for noise disturbance from the perceived intensification of the site. Considering these factors along with the fact that the increase in noise disturbance from 'comings and goings' is speculative and the house already operates as a 9-bed HMO, the potential for noise disturbance is not a strong enough reason to justify refusal of this application.

Waste generation

- 3.12 The officer report raises two primary concerns regarding waste generation and associated management: the prominent siting of multiple bins and the potential for them to be dispersed throughout the site/onto the pavement due to the absence of a bin store, acting to harm residential amenity.
- 3.13 In relation to the potential for bin dispersion and associated harm to residential amenity, the absence of a formal bin store is noted as the primary reason for this. However, the applicant has a strong desire to align with the councils' requirements and as the bin store arrangements on the front drive are so flexible, a bin store can be added as necessary with ease.

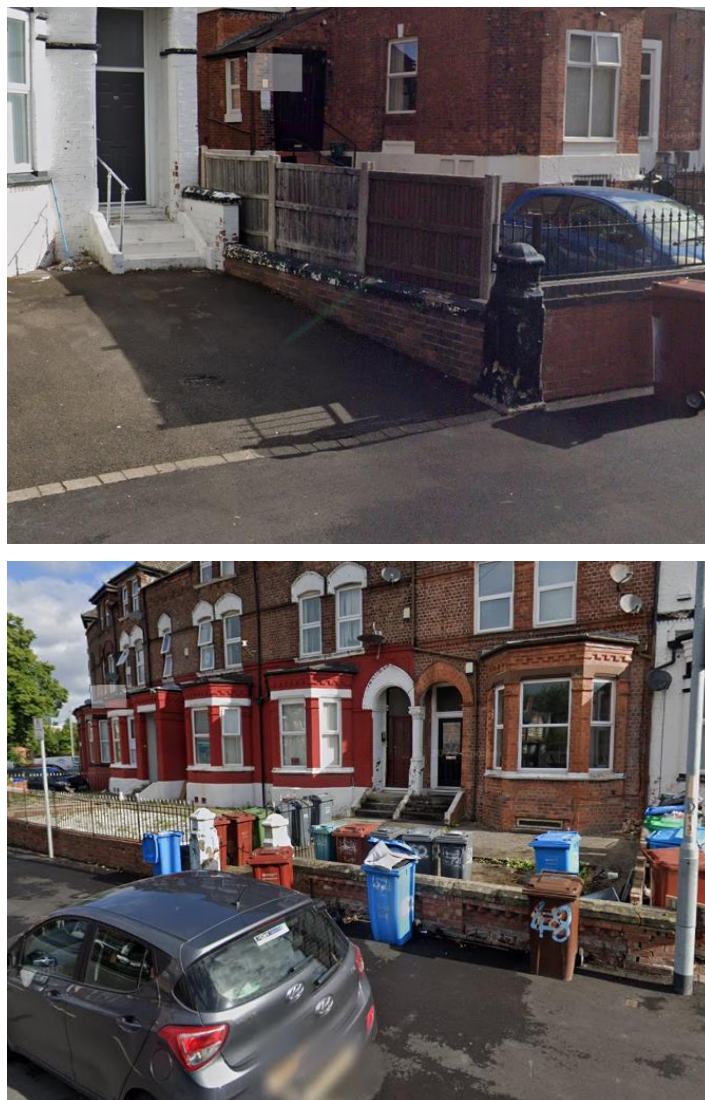


Figure 1: Top – Fence bordering number 48. Bottom – Boundary treatments at 52 and 54 demonstrating prominence of neighbouring bins, Google Maps Streetview, Accessed 31/10/2024.

- 3.14 The location of the proposed bin layout in the application has been designed to minimize visibility from the street by placing the bins along the eastern elevation. The new placement of bins along this border with number 48 as opposed to 52 will allow the existing fence (Figure 1) on this side to obscure the view of the bins from one direction while providing a backdrop that reduces their prominence from the other side. This strategic placement makes the bins less prominent compared to nearby properties (numbers 52 and 54), which lack such fencing and therefore have more visible bin storage (Figure 1).
- 3.15 In summary, the proposed waste management arrangements are thoughtfully designed to address visibility, mitigating the concerns raised in the decision notice regarding their prominence. Additionally, the applicant's willingness to conform to the council's requirements by installing a formal bin store should remove the concerns raised and mitigate waste generation as a reason for refusal.

Traffic generation/parking arrangements

- 3.16 Concerns have been raised regarding traffic generation, the proposed car parking space's capacity and the potential issues with manoeuvrability, particularly in relation to the bin arrangements.
- 3.17 Regarding the potential impact of bin storage on parking, the plans include sufficient space between the designated parking area and the proposed bin storage area for vehicle parking on both the eastern and southern elevations. Issues with potential dispersion of bins that could lead to blocking of the drive have been addressed with the applicant's willingness to implement a formal bin store.
- 3.18 Adding to this, the width of the pavement and the residential nature of the road will also facilitate safe off-site manoeuvring, allowing vehicles to reverse into the parking space without issue. Any manoeuvre will be clearly visible to pedestrians and passing vehicles both ways, maintaining pedestrian and highway safety. This type of manoeuvring is a common practice on Richmond Grove, illustrated in figure 2, which shows similar driveways in the area requiring off-site manoeuvring. Many of these driveways are comparable to or even smaller than the proposed arrangements at number 50, making it unreasonable to reject the application based on manoeuvrability concerns that are typical for this neighbourhood.
- 3.19 Furthermore, the ability to manoeuvre off-site enhances the likelihood of proper parking within the driveway, thereby reducing the risk of cars encroaching on the pavement due to poor parking

practices. It is also important to consider that tenants of HMOs typically seek affordable housing options, which often means they are less likely to own cars compared to other renters. The property's proximity to strong transport links, demonstrated in the travel plan provided with the initial application, makes it even less likely that future tenants will rely on a car for their transport.

- 3.20 The officer report also assumes that the addition of three tenants will create increased demand for on-street parking, leading to negative impacts on residential amenity. As discussed, the parking space on the driveway is a viable option and taking this into account in relation to the fact that HMO tenants are less likely to own cars suggests that the additional three tenants will not cause a significant rise in demand for on-street parking or traffic generation.
- 3.21 To add to this, the provision of a cycle store for 12 bikes is intended to incentivise sustainable transport by bike and is welcomed in the officer report, where it acknowledges the potential for its inclusion in the rear garden. The cycle store further reduces the likelihood that tenants will rely on a car as their primary mode of transport, in turn reducing the potential impacts on traffic generation and residential amenity from the additional three tenants proposed.





Figure 2: Driveways on Richmond Grove that are likely to require off-site manoeuvring to park in, Google Maps Streetview, Accessed 31/10/2024.

Proposed measures and management experience

- 3.22 The effectiveness of management arrangements has been brought into question in the officer's report, with specific reference to the practicality of noise monitoring, nature of proposed responses and viability of sustaining the management arrangements proposed. The applicant has significant experience with HMOs and has an excellent record of implementing measures to their pre-existing portfolio of 18 HMOs in the Greater Manchester area. Their landlord management experience dates back to 2004 and they have proven experience resolving issues regarding ASB/noise disturbance through collaboration with the council.
- 3.23 Among the objections, it was noted that no specific consequences to anti-social/noisy behaviour were mentioned. However, the applicant has demonstrated a proactive approach to anti-social behaviour (ASB) and noise throughout their portfolio of HMOs, demonstrating dedication to minimising these incidents. Their policy is to notify tenants and guarantors of the importance of reporting incidents immediately and provide them with clear communication as to why ASB is unacceptable. In addition, the applicant has a policy of self-reporting issues to the council when necessary to ensure disruption is minimised and consequences to ASB/noise disturbance are appropriately felt. They also have a policy of renting properties room-by-room, removing the chance of large groups of friends occupying the property that would bring up concerns of ASB and noise generation.
- 3.24 These points, along with the extensive experience of the applicant, demonstrate how this HMO will be effectively managed to mitigate the noise and ASB externalities highlighted in the officer report. They provide specific consequences (behaviour reported to the council) and reduce the likelihood of unreported incidents through clear communication, demonstrating pre-emptive measures that go beyond the 'reactive' responses characterised by the LPA.
- 3.25 To add to the pre-emptive measures, the applicant is considering the installation of 'Minut' noise monitoring systems, providing a disincentive to noise generation. These are automatic systems that are specifically designed for home management and feature real-time alerts when noise levels reach above a certain threshold.
- 3.26 All of the applicants HMO properties are professionally managed and this will include the property at 50 Richmond Grove. This covers any speculation as to the sustainability of management measures proposed as the applicant has made sure dedicated attention is paid to managing the property at all times. This includes noise monitoring and contacting tenants when an alert comes through from Minut systems. Their professional team also provides a 24-hour

emergency helpline to ensure tenants safety and provide an efficient mode of communication to report/flag incidents.

- 3.27 The applicant also has a strong history of renovation of their HMO properties, with specific reference to energy efficiency and improving the EPC rating of the properties to a minimum of C. Alongside this, there is also scope for the renovations to include restoring the exterior in terms of paintwork on the front elevation as the existing paint is aged. This will enhance the aesthetics of the community and improve residential amenity as well as reducing energy demands of the house. Figures 3,4,5 and 6 below demonstrate the quality of renovation that the applicant has applied to their past HMO projects in Manchester, with intent to replicate it on this property.



Figure 3: Images of applicant's renovation of 12 Ashfield Road



Figure 4: Images of applicant's renovation of 20 Crofton Street



Figure 5: Images of applicant's renovation of 31 Norwood Road

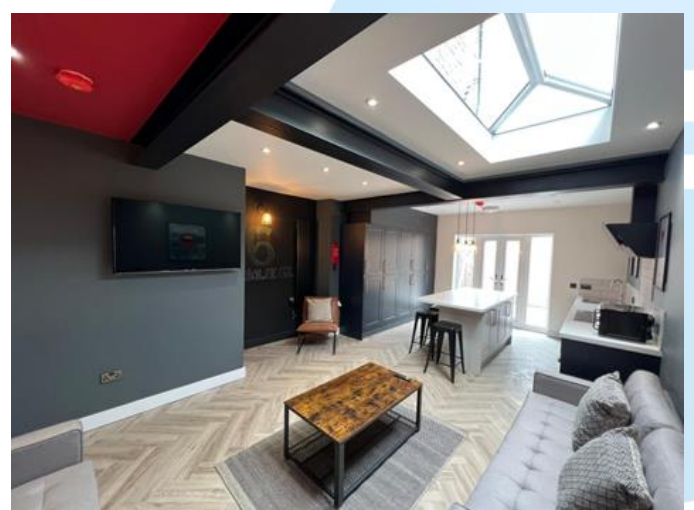
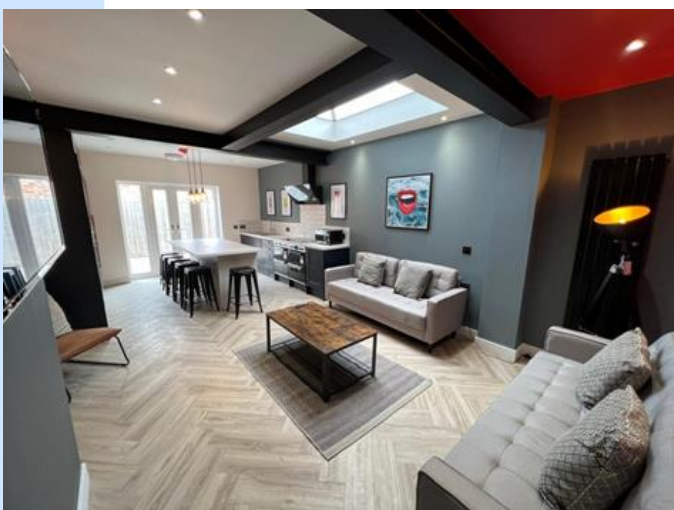


Figure 6: Images of applicant's renovation of 6 Rusholme Grove

Policies

Policy SP-1 - Spatial Principles

- 3.28 This policy specifies the core development principles for parts of the city, with the points below deemed relevant to this proposal in the decision notice:
- Positive contributions to health, safety and wellbeing of residents. Respond to the diverse needs of all members of the community and the protection/enhancement of the built and natural environment.
 - Minimise emissions, ensures efficient use of natural resources and reuses previously developed land wherever possible.
 - Improves access to jobs, services, education and open space whilst reducing the need to travel and securing good access to sustainable transport provision.
- 3.29 It was deemed in the report that this proposal did not meet this policy due to intensification and the potential for excessive noise and activity. However, these impacts are speculative and the measures/factors involved in the proposal act to mitigate the potential of excessive noise/activity. The fact that no extensions are proposed limits noise generation to the existing house and basement, the proposed layout encourages a sense of community between tenants that can reduce disturbance from ASB, multiple entrances to the property disperses noise associated with comings and goings, the semi-detached nature of house reduces scale of potential impacts and management proposals act to pre-emptively reduce noise/disturbance.
- 3.30 The cycle store provided promotes sustainable transport and the property makes use of existing land that is already developed. The proposed layout increased the amenities available to tenants and provides kitchen/living space that enhances the opportunity for social connection, contributing to their health, safety and wellbeing. The travel plan provided with the initial application highlights the significant nearby amenities (including healthcare and leisure) as well as access to multiple busses close by, giving tenants good access to sustainable transport provision.
- 3.31 Therefore, the proposed layout, management arrangements and location of the site mitigate the negative externalities of the perceived intensification that the additional three tenants are said to lead to in relation to Policy SP-1.

Policy EN19 - Waste

- 3.32 It has been noted that the proposed development may lead to harm for residential amenity through more visually prominent storage of bins, potential for them to be dispersed on the adjacent pavement/driveway and impact the useability of the parking space, undermining Policy EN19.
- 3.33 However, in the previous waste section, it was demonstrated how off-site manoeuvring of vehicles to park on driveways is a viable option on the site and is evidently utilised for other properties on Richmond Grove that have comparable sized driveways even with the proposed bin arrangement.
- 3.34 It has also been noted how the applicant is willing to conform to the council's concern over bin dispersion by providing a formal bin storage to meet requirements.
- 3.35 There is adequate space on the driveway for additional manoeuvre if needed that can be seen on the proposed drawings submitted. It is therefore unjust to refuse this application on the grounds that the bin storage proposed will negatively impact the operation of the parking space.
- 3.36 The fence on the eastern boundary acts to hide the bin arrangement from one direction and adds a backdrop to obscure it in the other. The bins on the southern elevation only constitute three of the total bins and lead to minimal prominence, especially considering the boundary treatments of other nearby properties that don't obscure bin storage (figure 2).
- 3.37 These points demonstrate how consideration has been paid to conforming to policy EN19 regarding waste arrangements.

Policy DM1 - Development Management

Unitary Development Plan Saved Policies DC26.1 - Development and Noise

- 3.38 This report has responded to the four points raised in the officer report in relation to Policy DM1 and saved policy DC26.1.
- 3.39 Point i - Addressed in a variety of ways, with particular reference to bin arrangements, noise/disturbance, parking arrangements and traffic generation, all factors that were cited to be negative impacts on the residential character of the area from the perceived intensification of expanding the HMO by three tenants. The layout, design and management measures/experience relating to the proposal that have been raised all act to reduce the impact on residential character of the area. It must also be noted

that the exterior changes made that are visible from the street scene in terms of the lightwell and access to the basement on the front elevation were not objected to in the officer report.

- 3.40 Point ii - Addressed under 'Noise disturbance' and 'Proposed measures and management experience', together demonstrating how the proposal has been designed with consideration to noise reduction from the perceived intensification as well as how management arrangements act to both pre-emptively and reactively reduce noise and anti-social behaviour. This also addresses policy DC26.1 of the Unitary Development Plan saved policies.
- 3.41 Point iii - Addressed under 'Quality of internal space', demonstrating how the proposal will increase amenities and chances for social interaction when tenants are cooking/relaxing within the property, a valuable factor in ensuring the health and wellbeing of tenants. The high quality of works for past renovations of HMOs in Manchester from the applicant has also been highlighted, contributing to the standards of living for tenants.
- 3.42 Point iv - Addressed under 'car parking arrangements' and in relation to policy EN19 that highlighted the viability of the parking space on the driveway in relation to the proposed bin arrangements. The low likelihood that HMO tenants that typically are seeking affordable housing would actually own cars was also highlighted. As the proposal only adds three tenants, the likelihood that even one of them has a car is low, undermining the potential increase in demand for on street parking as a reason for refusal.
- 3.43 All points relating to policy DM1 have been addressed as well as for Policy DC26.1, meaning they should not constitute refusal of this application.

Policy T1 - Sustainable Transport

Policy JP-C6: Walking and Cycling

- 3.44 This policy has been covered under 'Traffic generation/parking arrangements and Waste generation', noting how the on-site parking space is a viable option due to potential bin storage options and off-site manoeuvrability.
- 3.45 The inclusion of a bike store is welcomed in the report and contributes to the proposal conforming to Policy T1 and Policy JP-C6, promoting use of sustainable transport from the site and encouraging as many journeys as possible by bike or by walking.

4- Additional Benefits

- 4.1 As well as complying with the above planning policies, there are additional benefits for Manchester City Council and the surrounding community by allowing this proposal.
- 4.2 The addition of three bedrooms to the existing large HMO provides much-needed variety in alternative accommodation for the area where more and more people in the UK and the North-West are looking for a room to rent rather than a whole house or apartment. These reasons can vary from temporary employment locations to proximity to nearby educational facilities and even circumstances whereby the tenant finds themselves single or needing to find somewhere low-cost and as a go-between whilst they get their permanent living arrangements in order.
- 4.3 The ease of renting just the room means all your bills are covered by one monthly fee, there is also the flexibility to have a short-term tenancy agreement and you share facilities with other like-minded people in a similar situation, so you do not live and feel alone. The increasing cost of living means rooms to rent are much more in demand throughout the UK.
- 4.4 The necessary HMO upgrades would ensure the property has the highest standards of fire protection and fire alert system- should there ever be a fire, the neighbouring properties would be better protected due to the enhanced provisions and upgrades needed for the HMO.



5- Why the decision should be overturned

- 5.1 The proposal conforms to the mentioned policies in the officer report and the applicant shows clear intent to manage the property appropriately to avoid negative impacts on the surrounding area.
- 5.2 The reasons for refusal are largely presumptuous and relate to speculative impacts on residential amenity of the surrounding area. This report details how unlikely these impacts are to arise from the additional three tenants proposed.
- 5.3 The extensive experience of the applicants in terms of HMO management and their employment of a professional management company will ensure that this HMO will be effectively managed to reduce any potential negative impacts on the surrounding area and respond appropriately.



6- Conclusion

- 6.1 In conclusion, the reasons for refusal are unjust and can easily be managed through extra measures and conditions for an approval.
- 6.2 The expansion of this HMO to a 12-bed would bring more benefits to the community and economy than the house remaining as a 9-bed HMO, including an enhanced layout with fire and safety upgrades, professional management, encouraging more local spending and affordable housing options for those who live, work and are educated locally.
- 6.3 The reasons for refusal on the officer report highlight how the potential of noise disturbance from a perceived intensification of the site, quality of the internal layout, unmanageable waste generation and detriment to parking/transport in the area from this proposal were deemed to be significant enough to outweigh the proposals contribution to Chapter 5 of the NPPF: Delivering a sufficient supply of homes.
- 6.4 However, it has been shown that the potential for negative externalities derived from the addition of three tenants on the surrounding area are unlikely to be significant and do not justify preventing the creation of affordable housing in this area, something that would undermine the NPPF's chapter 5. Rising house prices in Manchester, coupled with the energy cap increase and the increased cost of living in the UK (shown in Appendix 1) make meeting this policy even more pertinent in the current climate.
- 6.5 The proposal has also demonstrated how it mutually pursues an economic, social and environmental role to satisfy paragraph 8 of the NPPF cited in the officer report. More people in the area from increased tenancy allows for economic growth through increased local spending, providing affordable housing in an area with significant transport and amenities satisfies the social role and the use of previously developed land ensures protection of the local environment.
- 6.6 In conclusion, allowing this HMO to house 12 occupants is unlikely to have an impact on the residential amenity of the area and preventing its expansion would unfairly deny the area additional affordable housing.