



Appeal Decisions

Site visit made on 29 April 2019

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 22nd May 2019

Appeal A Ref: APP/B4215/W/19/3222024

16 Richmond Road, Manchester, M14 6YW

- 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 G Rafferty against the decision of Manchester City Council.
 - The application Ref 121517/FO/2018, dated 10 October 2018, was refused by notice dated 5 December 2018.
 - The development proposed is a retrospective change of use from use class C3 (dwellinghouse) to use class C4 (small house in multiple occupation).
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Appeal B Ref: APP/B4215/W/19/3222025

16 Richmond Road, Manchester, M14 6YW

- 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 G Rafferty against the decision of Manchester City Council.
 - The application Ref 121516/FH/2018, dated 10 October 2018, was refused by notice dated 6 December 2018.
 - The development proposed is retention of a single storey rear extension.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for a retrospective change of use from use class C3 (dwellinghouse) to use class C4 (small house in multiple occupation) at 16 Richmond Road, Manchester, M14 6YW in accordance with the terms of the application, Ref 121517/FO/2018, dated 10 October 2018, and the plans submitted with it.

Appeal B

2. The appeal is allowed and planning permission is granted for retention of a single storey rear extension at 16 Richmond Road, Manchester, M14 6YW in accordance with the terms of the application, Ref 121516/FH/2018, dated 10 October 2018, and the plans submitted with it.

Main Issues

3. The main issues are the effect of the proposals, firstly, on the concentration of Houses in Multiple Occupation (HMOs) in the vicinity, secondly, on the supply of family housing and, thirdly, on the living conditions of occupiers of the development with regard to adequate outdoor amenity space.

Reasons

Concentration of HMOs

4. Policy H11 of the Manchester Core Strategy seeks to restrict changes of use from a C3 dwelling house to an HMO where there is a high proportion of HMOs in the surrounding area. In this case, there is already a very high concentration of HMO's in the vicinity which the proposal has further added to. Accordingly, the proposal is in conflict with this part of Policy H11.
5. The appellant has produced a survey of the concentration of HMOs in the surrounding area. This identifies that of the 126 properties within a 100 metre radius¹ only 8 are occupied as dwellings, with the rest being HMOs. In addition, only 4 other properties along Richmond Road (of 32) are still in use as dwellings. The character of the surrounding area is therefore already dominated by HMOs to a significant degree. In this regard, the proposals do not significantly alter the existing balance of housing in the area, nor its prevailing character.
6. In terms of the Appeal B proposal, Policy H11 seeks to restrict extensions to HMOs in high concentration areas, where this could reasonably be expected to lead to an increase in the level of occupation. In this regard, the proposed rear extension provides additional living space at ground floor level. Whilst the Council state that this extension could be converted to a bedroom area, at the time of my site visit, it was used as a kitchen diner and had been fitted out with cupboards and appliances. This provides enhanced communal living space and does not result in an increase in the occupancy. Given its position at the rear of a narrow outrigger, close to the back door, it is also unclear that the extension would lend itself to conversion into a bedroom.
7. For the above reasons, I conclude that whilst the proposals conflict with Policy H11 of the Manchester Core Strategy (2012), this is outweighed by other material considerations, namely the lack of harm arising from the proposals.

Supply of family housing

8. Policy H1 of the Core Strategy relates to overall housing provision within the City. It states that the mix of new housing within each area will depend on the need to diversify housing stock in mono-tenure areas by increasing the availability of family housing, and the management of areas where HMOs predominate. Furthermore, Policy H6 of the Core Strategy identifies a need for family housing in the south of the City.
9. As set out above, the appeal property is within an area that already contains a very high concentration of student HMOs. It is adjacent to an HMO to the east and also directly opposite a row of further HMOs. Its surroundings are therefore dominated by student HMO accommodation which is likely to deter family occupiers. Moreover, prior to the construction of the extension subject to Appeal B, the property had a relatively small rear yard area that would have provided only limited outdoor amenity space for family use. Whilst Policies H1 and H6 identify a shortage of family housing in the south of the City, in this case, I consider that the appeal property would be unlikely to appeal to families.

¹ Excluding the appeal property and 12 retirement apartments, which Policy H 11 of the Manchester Core Strategy (paragraph 9.50) specifically excludes from consideration in HMO density calculations.

10. For the above reasons, I conclude that the proposals do not result in an unacceptable loss to the supply of family housing. They therefore do not conflict with Policies H1 and H6 of the Manchester Core Strategy (2012).

Living conditions

11. The rear extension that is subject to Appeal B occupies part of the former yard area at the rear of the property. The remaining yard space consists of a relatively narrow passage along the side of the property. This is large enough to accommodate cycle parking and the waste / recycling storage needs of the property. Whilst it is not large enough to provide a useable recreational space, as the proposals are to be occupied by students rather than a family with children, this matter would not justify withholding permission in this case.
12. For the above reasons, I conclude that the development does not result in unacceptable living conditions for occupiers of the development with regard to adequate outdoor amenity space. It therefore accords with Policies SP1 and DM1 of the Manchester Core Strategy (2012) and Policy DC1 of the Unitary Development Plan for the City of Manchester (1995). These policies seek to ensure, amongst other things, that new development does not have a significant harmful effect on amenity.

Other Matters

13. It is acknowledged that high concentrations of HMOs can have detrimental effects in terms of nuisance and community cohesion. However, the appeal property is currently in use as an HMO and there is no evidence before me that it has resulted in any detrimental effects to neighbouring occupiers. I further note that no objection to the proposals has been submitted by any resident of Richmond Road.
14. I do not consider that any conditions are necessary in these cases. In this regard, the proposals are retrospective in nature and so the suggested conditions requiring the development to commence within 3 years are unnecessary. In addition, the Council suggested a condition in relation to Appeal A that would have required the submission and approval of a scheme for the storage of refuse. However, the planning application form states that waste containers are to be stored in the rear yard area, which was the case at the time of my site visit. This is an acceptable arrangement and no further details are necessary. Finally, in relation to Appeal B, the Council suggested a condition that would require the external surfaces of the rear extension to use matching materials to the original building. This was the case at the time of my site visit, and so this condition is also unnecessary.

Conclusion

15. For the reasons given above I conclude that both Appeal A and Appeal B should be allowed.

Thomas Hatfield

INSPECTOR