
Appeal Decision

Site visit made on 10 January 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/B4215/W/16/3160664
23 Brailsford Road, Manchester M14 6PT

- 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 Mrs Bakula Chaudhari against the decision of Manchester City Council.
 - The application Ref 111618/FO/2016/N2, dated 17 March 2016, was refused by notice dated 2 June 2016.
 - The development proposed is the change of use from a C3 (a) to C4.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a C3 (a) to C4 at 23 Brailsford Road, Manchester M14 6PT in accordance with the terms of the application, Ref 111618/FO/2016/N2, dated 17 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents stamped as received by the City Council as local planning authority in 18 March 2016: Planning application forms; Site location plan with a red edge and ground and first floor layout drawings.

Procedural Matter

2. The description of development used on the appeal form and the Council's decision notice more accurately describes the proposal. Therefore, I have used this in my formal decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The balance of housing provision and the housing market in the area, with particular reference to the formation of sustainable inclusive mixed communities; and
 - The living conditions of the future occupants of proposed house in multiple occupation (HMO) and neighbouring properties, having particular regard to the parking arrangements, amenity space, noise and disturbance.
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Reasons

Housing Provision

4. The appeal site is an end terrace property in an area containing a high concentration of multiple occupancy accommodation, much of which is occupied by students. While the parties have produced surveys with different figures, both demonstrate that the area contains a high concentration of student and shared accommodation. Although the Council's survey also includes Whitby Road, I share the appellant's view that this road is not part of the same functional area given the gap that lies between the respective roads. Thus, the appellant's survey puts the concentration of HMO's within 100 metres of the appeal site at roughly 95.7% of properties.
5. Policy H11 of Manchester's Local Development Framework Core Strategy (Core Strategy) is concerned with development proposals for HMO's. The policy explains that the change of use from a dwelling to a HMO will not be permitted where there is a high concentration of properties within a short distance of the site which are occupied by full time students, are recorded as a licensed HMO, or can be demonstrated to fall within a C4 or sui generis use class. Locally there is already high concentration of HMO's which the proposal would add to. As such, the proposal conflicts with this part of Policy H11 of the Core Strategy.
6. It is also stated that all proposals for conversion into flats would be permitted only 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 of the Core Strategy. I have no reason to doubt the accommodation would not be to a high standard.
7. I appreciate a sustainable community should provide for a mix of households and that families are a component of that mix. Also I recognise other policy objectives which seek to increase the provision of family housing through specific regeneration activity.
8. Still, I am mindful that the appellant and her family have lived at the site for a considerable period of time and that the area's character appears to, based on the evidence before me, have changed over this time. The area is heavily influenced by HMO properties and an additional HMO would further erode the number of remaining properties used as dwellinghouses. This would go against the mixed inclusive community that the Council is striving to create. However, given the scale of the over concentration, I do not consider that the outcome of this appeal, either way, would alter the character of the area which Policy DM1 of the Core Strategy seeks to protect. As the area is already heavily characterised by HMO's, I do not consider that the proposal would change the existing balance of housing in the local area.
9. While, the planning system is concerned with land use in the public interest rather than private interests of individuals, I have had regard to the appellant's efforts to sell the property. Since being placed on the market, enquiries have only arisen from buy to let investors or parents of students. Both have not pursued their interest once the use class of the property has been established. I have also noted the estate agents comments that other potential buyers are likely to have been deterred by the noise and disturbance associated with student lettings which characterise the area. I note, in an effort to sell the property, the appellant has reduced their asking price significantly over the last

two years to little effect and the market value of similar properties in the area with a HMO use class (C4 HMO) which have attracted substantial interest.

10. Given the above, I consider that the housing market on Brailsford Road is and has been for some time focussed on the provision of multiple occupancy accommodation. Thus, one extra HMO would not, in my view, detrimentally affect the character or sustainability of the area and undermine the objectives of the Council to form inclusive, mixed communities.
11. Even though the Council consider that evidence has not been provided to justify why a C3 use (Dwellinghouses) is no longer viable, policy H11 of the Core Strategy only requires this for proposals which would be occupied by more than six people.
12. For these reasons, I therefore conclude on this issue that the proposal conflicts with Policy H11 of the Core Strategy. But given the significant concentration of HMO's that already populate the area, along with the nature and use of Brailsford Road, the appeal proposal would not harm the overall balance of housing provision and the housing market in the area, with particular reference to the formation of sustainable inclusive mixed communities.
13. As a result, I am satisfied that these matters substantiate a departure from Policy H11 of the Core Strategy, especially given that I am also able to conclude that proposal accords with Policies SP1 and DM1 of the Core Strategy and paragraph 50 of the National Planning Policy Framework (the Framework); which seek development to create well designed places, reflecting local demand that has regard to the character of the surrounding area. Thus the change of use of the property to a HMO would be acceptable.

Living Conditions

14. The property subject of this appeal is currently a family home offering three bedrooms, two reception rooms, a kitchen and a bathroom. While the Council recognise the area contains a high concentration of student and shared accommodation, concerns are raised that the proposal could lead to increased levels of noise and activity from the intensity of the site's potential occupancy and the movement of unrelated individuals with different lifestyles.
15. I recognise some of these effects have been reported by the appellant who points to the now incompatible mix of family and student lifestyles. However, the number of occupants would be broadly similar to a three bedroom family dwelling, which would also be likely to result in regular and noticeable movement to and from the site. I also noted on site that other properties in Brailsford Road are capable of being occupied by a greater number of people than the appeal site is likely to be able to facilitate.
16. With regards to the proposal, I appreciate that it would result in the removal of the disabled parking bay. However Brailsford Road and nearby roads, despite being well used, do not have any parking restrictions. As a family could run more than one car, and due to the site's proximity to public transport and the City Centre, I am not persuaded that the proposal would result in additional demand for car parking. It follows that vehicular movements related to the future occupants of the property would not directly cause any additional harm in terms of noise and disturbance to neighbouring occupants.

17. The property only has a direct relationship with one other property. As the number of future occupants of the proposal is comparable, I consider the change caused by the proposal, in terms of the living conditions of neighbours occupants, is very likely to be imperceptible, although I recognise the site does differ to the configuration and composition of 43 Shuster Road¹. There is also no reason to consider that the small rear yard would lead to unacceptable harm to future occupants living conditions.
18. Accordingly, for these reasons, I therefore conclude that the proposal would not harm the living conditions of the future occupants of proposed HMO and neighbouring properties, having particular regard to the parking arrangements, amenity space, noise and disturbance. Thus, the proposal would comply with Policies H11, DM1 and SP1 of the Core Strategy, saved Policy DC26 of The Manchester Plan: The Unitary Development Plan for the City of Manchester and paragraph 69 of the Framework. Together these seek to, amongst other matters, consider the impact of development on living conditions, including noise and traffic generation, car parking and the adequacy of internal and external accommodation so that all development makes a positive contribution to the health, safety and wellbeing of residents.

Conclusion and Conditions

19. I have had regard to the conditions suggested by the Council in the event the appeal was to be allowed. I have imposed a condition specifying that the development permitted shall be carried out in accordance with the approved plans and documents in the interest of certainty.
20. I have not imposed a condition restricting the use of the property or the number of occupants that can reside within it as it would not pass the test of necessity given my findings on the two main issues. Given the proposal comprises of a change of use from an existing dwelling, with bins for the disposal of refuse and recycling, notwithstanding the views expressed by the Council, I do not consider that a condition to secure these is necessary.
21. For the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

¹ Appeal Decision Ref: APP/B4215/A/14/2211026