



Appeal Decision

Site visit made on 29 October 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/B4215/W/19/3234087

17 Northen Grove, Manchester M20 2NL

- 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 Kieran O'Connor against the decision of Manchester City Council.
 - The application Ref 122025/FO/2018, dated 2 December 2018, was refused by notice dated 14 February 2019.
 - The development proposed is for a change of use from class C3(a) occupation by a family unit to class C4 houses in multiple occupation occupied by 3 unrelated individuals as their only or main residence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time the appeal was submitted the appellant was renting the property to three individual tenants. The class C4 (houses in multiple occupation) (HMO) of the Town and Country Planning (Use Classes) Order 1987 (as amended) was therefore established at that time and the application is retrospective.
3. The description of the proposal within the application form includes background information in support of the application. I have abridged the description within the banner heading to more accurately reflect the proposed change of use.

Main Issues

4. The effect of the proposal on:
 - achieving a balanced housing mix in the area;
 - highway safety; and
 - the living conditions of neighbouring occupiers with respect to disturbance due to noise, activity and vehicle parking.

Reasons

5. The appeal property, similar to those in the vicinity, is a five bedroomed semi-detached house. The property has four floors comprising a cellar (with three rooms), living room, dining room, kitchen and utility room at ground floor, three bedrooms and a bathroom on the first floor and two bedrooms and a bathroom on the second floor. Externally, the property is characteristic of

others in the street having a traditional appearance and retaining its original front boundary wall which has associated mature planting. To the side is a detached garage which is reached via a driveway and at the rear is an enclosed garden. There are no proposed external alterations and the property would continue to compliment the character and appearance of the area.

Local housing mix

6. The appellant considers that the property, having five bedrooms, is too large and expensive for a family however, this view is not substantiated by any compelling evidence. Moreover, it is not uncommon for families to seek dwellings of this size and the property has been leased to a family in the past. Additionally, as stated in the appellant's statement of case, the neighbouring properties are also family homes.
7. The appellant states difficulty in letting the property to a family and at the time the appeal was lodged, the property was let to three individual tenants. Paragraph 9.48 of the supporting text to Policy H11 of the Manchester Core Strategy Development Plan Document 2012¹ (DPD) states that a lack of demand for family housing could be demonstrated when the property has been unsuccessfully marketed at a reasonable rent for at least six months. Although the appellant suggests that a shorter period of four to eight weeks is more appropriate, the appeal is nonetheless determined within the context of the Council's adopted policy and I consider that an appropriate period would be six months as advocated by the Council.
8. There is no proposal before me to subdivide the house into flats, nor is there an intention to seek an HMO licence. The proposal would not preclude rental to a family and would therefore allow for some flexibility in its tenant profile. I also acknowledge that this proposal could add to the housing mix for graduates and young professionals by providing high quality affordable housing for a growing market. Additionally, the appellant states that the proposal supports Policies H8 and SP1 of the DPD and the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 2007 (GDM) by improving the overall range of property types available in the local area with flexible, high quality housing for both families and "young professionals".
9. Notwithstanding the benefits set out by the appellant, the change from C3 to C4 use would permit multiple independent households. This use would not support the demand in this particular area for family housing. There would therefore be a loss of a family dwelling, albeit on occasions it could be tenanted by a family. This would harm the balance of the housing mix within this area where such properties have historically been converted to flatted properties removing family homes from the housing stock. The proposal would therefore conflict with Policies H6, H11, SP1 and DM1 of the DPD and guidance contained within the supporting GDM and Manchester Residential Quality Guidance 2016 (MRQG). Policies SP1 and DM1 of the DPD together and amongst other matters, set out core development principles which seek that development makes a positive contribution to the character of neighbourhoods. More specifically, Policy H6 of the DPD, supported by the GDM and the MRQG, seeks to ensure that developments deliver family housing to address an identified shortage in this area. This aim is supported by Citywide Policy H11 of the DPD

¹ Manchester's Local Development Framework Core Strategy Development Plan Document. Adopted 2012.

which seeks to limit conversion from use class C3 (dwelling houses) to C4 in areas where there is a lack of family housing.

Highway safety

10. At the time of my site visit, there were cars parked along both sides and partially on the footpath of Northen Grove. The Council confirms these observations providing photographic evidence to support this and stating that parking on Northen Grove is a key concern for residents. Although these observations and evidence are a snapshot in time, such parking obstructs the footpath and results in pedestrians being displaced from the obstructed pavement on to the road creating safety concerns. This is a particular problem for pedestrians such as those with disabilities or pushing prams.
11. Given the difficulty with on-street parking acknowledged by both the appellant and the Council, and accepting that the parked cars may not all belong to residents, on-site parking provision is an important consideration within any development proposal. While the area benefits from good public transport links, three independent households would be likely to generate car parking requirements. The application form shows both the existing and proposed number of parking spaces as four. It is stated that this could be achieved with one car in the garage and three parked on the driveway. However, a layout plan for the proposed parking areas has not been provided. In the absence of this I have no certainty that this number of cars could be parked within the curtilage of the property. In any case, even if it were possible to accommodate this number of cars, it is not clear how they would manoeuvre on and off site given the width of the driveway which would not allow two cars to pass. The Council's Highway Officer concurs with this view.
12. Consequently, should the number of unrelated households within the property increase, there would be an increased likelihood of additional parking requirements for both residents and visitors and it is likely that cars would be displaced on to the highway. Given the current parking problems in the area this would result in harm to highway safety for vehicles using the narrowed street and pedestrians using the obstructed pavement. The proposal would therefore conflict with Policy T2 of the DPD which requires development to provide appropriate car parking.

Living conditions

13. An HMO could, in planning terms, result in six individuals lawfully sharing the dwelling. The appellant has stated that there is no such intention and would be prepared to accept a planning condition upon any consent limiting the number of tenants to three. A Unilateral Undertaking to this effect has been submitted. I have carefully considered the appellants arguments on this particular matter however, HMOs by their nature, are occupied by unrelated households leading independent lives. This gives rise to increased footfall, vehicle use and parking within and around the property from both residents and visitors. This would result in additional noise and disturbance to neighbours. This view, although contested by the appellant, is supported by objections to the proposal which cite occasions of noise nuisance arising from the property. Family dwellings do generate noise and disturbance, but in general some activities at least, and the associated footfall, are shared. This proposal would therefore harm the living conditions of neighbouring occupiers with respect to noise, disturbance and additional vehicle movements.

14. I therefore find, that the proposal conflicts with Policies SP1 and DM1 of the DPD and Saved Policy DC26.1 of The Manchester Unitary Development Plan 1995². These policies, together and amongst other matters, seek that development makes a positive contribution to the health and wellbeing of residents including considering the effects of noise.

Other Matters

15. The appellant considers that a Certificate of Lawful Use would be more appropriate than a planning application to deal with this proposal. The Council has an Article 4 Directive in place which removes permitted development rights and requires a planning application to be made. Furthermore, it is contended that the Article 4 Directive should not apply to this area of the City. However, an Article 4 Directive is in place.
16. The appellant raises several issues regarding the Council's handling of this application, with particular regard to the level of engagement undertaken. While I note these concerns, this is a matter between the appellant and the Council in the first instance. Similarly, the appellant raises issues regarding the effect of the Council's enforcement of its planning policy within the area resulting in "planning blight". This matter however, is not before me and I have considered only the planning merits of this case.

Conclusion

17. For the reasons given above and having regard to the development plan as a whole, the appeal is dismissed.

E Symmons

INSPECTOR

² The Manchester Plan. The Unitary Development Plan for the City of Manchester. Adopted 1995.