
Appeal Decision

Site visit made on 12 November 2019

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2019

Appeal Ref: APP/B4215/W/19/3235795

54 Ash Tree Road, Manchester M8 5SA

- 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 Toby Keegan of Aquae Sulis Management Limited against the decision of Manchester City Council.
 - The application Ref 123816/FO/2019, dated 3 June 2019, was refused by notice dated 26 July 2019.
 - The development proposed is the conversion of existing 8 occupant (sharing 2 bath) HMO to 11 occupant (all ensuite) HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During my site visit works were being carried out to the inside of the appeal property on the ground, first and second floors. No works had or were taking place in the basement. As a result, no one was currently living at the site. While these changes are not complete, the bathrooms associated with a number of the proposed bedrooms did not accord with the layout proposed on the submitted plan. No works had taken place in the basement. Therefore, I have considered the proposal on the basis of the submitted plans, on which the Council reached their decision, and not the layout that I observed.

Main Issues

3. The main issues are the effect of the proposal on: (i) the living conditions of the occupiers of the proposed basement units, with regards to communal living space, outlook, privacy, daylight, ventilation and security; (ii) the living conditions of occupiers of the appeal property, with regards to refuse arrangements, communal amenity space and cycle parking provision; and (iii) the living conditions of occupiers of the appeal property and nearby residents, with regards to noise and disturbance and car parking arrangements.

Reasons

4. The appeal site relates to a large, three storey semi-detached property with a two-storey height bay window to the front. The semi-detached pairing is one of two semi-detaching pairings along this part of the road. Gardens are to the front and rear of the property, which is situated slightly above the level of the pedestrian footway extending in front of the site. A handful of steps provide pedestrian access to the property from the road.
5. The Council has issued a Certificate of Existing Lawful Development for the

property's use as an eight-bedroom house in multiple occupation (HMO) (Ref: 21242/LE/2018). The surrounding area is of a mixed character due to the variety of uses found nearby. These include a church, primary school, shops and a park. There are a good number of residential properties. Some are used as flats or HMO's. North Manchester General Hospital is to the north-east.

Living conditions – future occupiers of the basement units

6. Four bedrooms are proposed within the basement of the property. These would replace the existing storage use of these rooms. Internal modifications are proposed to form the four en-suite bedrooms. The front and rear bedrooms (Bed 1 and Bed 4) would be served by windows in the bay window of each elevation. The ground in front of each of these windows would be cut away. Bed 1 would have a south-westerly outlook of the small front garden and the road. Bed 4 would face north-easterly into the proposed amenity space. Three windows would be formed within the property's flank elevation. One would serve Bed 2. Two would serve Bed 3. Each window would have a south-easterly outlook of a boundary fence and the tall flank elevation of 52 Ash Tree Road.
7. The windows proposed for Beds 1 to 4 would be the sole means of outlook and natural light for each bedroom. They would also mostly provide future occupiers with an outlook which peers above the external ground level around the property. The effect of this, in combination with the proximity and scale of the boundary fence and No 52, in respect of Beds 2 and 3 would mean that the outlook enjoyed, and natural daylight received by future occupiers of these units would be significantly affected. To maximise what is a constrained outlook and the receipt of natural light, it is likely that future occupiers would wish to keep them unobstructed. However, given the relationship of the windows in comparison to the external ground levels, occupiers would not experience a perceived loss of privacy.
8. Nevertheless, it would not be an unreasonable expectation of future occupiers that the windows could be opened to provide ventilation, especially during warmer weather. This could pose a security issue. The scheme before me does not detail how both matters could be satisfactorily addressed. The same principle would apply to Beds 1 and 4, though I consider, on balance, that the outlook and daylight received in these units would be satisfactory given the orientation and siting of these openings.
9. The Council are concerned about the size of the four basement bedrooms and the consequential pressure that would be placed on the communal dining / kitchen areas on the ground and first floors as a result of the increased number of occupiers. Policy DM1 of the Core Strategy Development Plan Document (Core Strategy) says regard should be given to providing adequate internal accommodation. The kitchen / dining room on the ground floor would be larger than the kitchen / dining room on the first floor. However, the collective provision that both spaces would offer would mean that occupiers would be able to use these spaces in tandem with other occupiers. Each of the basement bedrooms would be large enough for a double bed, storage and offer en-suite bathroom facilities. I do not therefore share the Council's concerns about the internal accommodation being cramped or uncomfortable.
10. As such, despite my findings about privacy and the communal living space, these matters are outweighed by my conclusion on this issue that significant harm would be caused by the proposal on the living conditions of occupiers of

the proposed basement units, with regards to outlook, daylight, ventilation and security. The proposal would not accord with Core Strategy policies DM1, SP1 and H11; which jointly, among other things, seek HMO accommodation to be of a high standard and to make a positive contribution to the health, safety and wellbeing of residents.

Living conditions – refuse, communal amenity space and cycle parking

11. Even though the appeal property would continue as a HMO, the number of occupiers would be increased by three. This would result in an increased number of comings and goings compared to the lawful use. However, it is also the frequency and time when these comings and goings arise given that the HMO would be occupied by unrelated individuals leading different lifestyles, which can bring about frequent comings and goings at various times of day and associated noise and disturbance.
12. Due to the proposed single point of entry and exit, comings and goings from the property would be focussed to the front of the site and Ash Tree Road. However, to access the bin store, communal amenity space and cycle parking provision, occupiers of the property would need to traverse around the outside of the property to the rear. Occupiers would therefore come and go in front of the windows of Beds 1, 2 and 3 in order to put refuse in the bins, move and store bicycles and use the communal amenity space. The frequency of these movements will vary according to occupiers, the time of day, but also the time of year. However, the number of occupiers involved would mean that there are potentially frequent movements, especially during the summer. Despite the property's lawful use, the proposal would also introduce bedrooms in the basement and communal provisions for occupiers to use to the rear that are not currently available. Thus, the proposal would be different.
13. The noise and disturbance associated with these movements could affect the wellbeing of occupiers in Beds 1, 2 and 3 at any time of day. The effect would be felt more so by the occupiers of Beds 2 and 3 as occupiers of Bed 1 would experience regular comings and goings through the front door.
14. The proposed rear access would mean that occupiers moving the bins before and after collection would not need to move them to the side and front of the appeal property. This arrangement would minimise noise and disturbance and it would not adversely affect occupiers living conditions in this regard given that collections generally take place once a week. Nevertheless, the occupiers of Bed 4 would no doubt experience noise and disturbance from fellow residents putting refuse in the bins. While this may be short-lived, the effect would be compounded by this unit's proposed relationship with the communal amenity space. The effect of both would detrimentally affect the living conditions of occupiers in this unit, especially as noise and disturbance could arise at any time of day and the amenity space used by a number of people.
15. I conclude, on this issue, that the proposed development would result in harm to the living conditions of occupiers of the appeal property, with regards to refuse arrangements, communal amenity space and cycle parking provision. Hence, the proposal would be contrary to Core Strategy policies DM1, SP1 and H11 and saved Policy DC26 of The Manchester Plan The Unitary Development Plan for the City of Manchester (UDP). Together, these policies seek, among other things, HMO accommodation to be of a high standard, to make a positive contribution to the health, safety and wellbeing of residents in terms of refuse

storage, collection and through noise.

Living conditions – existing, future and nearby residential occupiers

16. The appeal property is a short walk away from Crumpsall tram stop and a major bus route in and out of the city centre. Added to this, cycle stands would be provided at the appeal property. Hence, occupiers of the HMO would not necessarily need to rely on the private car for journeys. Even so, due to the number of occupants, potential remains for added pressure to be placed on existing on-street parking in the area given that no off-street parking forms part of the appeal scheme.
17. The proposed number of occupiers could, if the bedrooms are single occupancy, lead to a potential 11 vehicles being parked on roads near to the appeal property. In practice however, this would be highly unlikely to arise given the availability of public transport and the range of facilities and services in the area. The actual number of vehicles will vary according to occupiers' individual circumstances, which would no doubt change over time. The number is, however, likely to be lower than the Council's estimate.
18. The Council and an interested party submit that there is already a high level of on-street car parking in the area. The result is said to cause localised congestion especially when events take place at the Methodist Church Crumpsall opposite the site. I do not have details of the frequency of these events, but as the church car park offers a limited number of spaces, vehicles would no doubt use the highway to park. There are parking restrictions in the area, but Ash Tree Road, Moorside Road and Lansdowne Road among others offer on-street car parking provision. Each of these roads was well-used and the demand for these spaces would be likely to increase overnight when residents are typically at home. The occupiers of 56 Ash Tree Road convey that they already struggle to park by their address. The appellant does not dispute this point or the Council's point about localised congestion in the area.
19. The increased number of occupiers would only add to the existing situation, and as there is no substantive evidence to the contrary, I consider that the proposal would not provide an adequate level of car parking. This would lead to inconvenience and the demise of existing residents living conditions. However, I am not certain that this extra demand would cause noise and disturbance that would harm residents living conditions given that the area is characterised by noise and disturbance from the parking of vehicles on roads near the site.
20. Whilst the proposal would not cause harm in terms of noise and disturbance, and in this regard the proposal would accord with saved UDP Policy DC26, I conclude that this is outweighed by the effect that the car parking arrangements would have on the living conditions of occupiers of the appeal property and nearby residential occupiers. Thus, the proposal would conflict with Core Strategy policies T2, DM1, SP1 and H11; which collectively, among other things, take the circumstances of each proposal into account to establish what level of parking is appropriate to ensure the wellbeing of residents.

Other matters

21. The appeal scheme would modernise the property and while it may improve the standard of accommodation for some, it would not, for the reasons explained, achieve this for every occupier or neighbouring resident.
22. Even if I were to agree with the appellant's view that Core Strategy Policy H11

is not relevant to the proposal, this would not alter my conclusion on each main issue and the conflict that the proposal would cause to the other development plan policies referred to.

23. The appellant contends that “the proposal meets national space and amenity standards for HMO’s”. However, there is no explanation as to what standards are being referred to. In any event, I have considered the proposal on its own planning merits having regard to the development plan unless material considerations have indicated otherwise.

Conclusion

24. For the reasons set out above, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR