



Appeal Decision

Site visit made on 24 February 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2020

Appeal Ref: APP/T4210/W/19/3242673

79 Bury New Road, Whitefield, Manchester M45 7EG

- 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 Harrington House Estates Ltd against the decision of Bury Metropolitan Borough Council.
 - The application Ref 64719, dated 25 September 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the change of use from existing 6 bed HMO (Class C4) to 8 bed (8 person) house in multiple occupation (HMO) (Sui Generis).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In Part E of the appeal form it is stated that the description of the development has not changed. However, the wording from the Council's decision notice has been entered rather than that from the application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the Council's decision notice for completeness which better describes the proposal.

Main Issue

3. The main issue is the effect of the proposal on highway safety in Bury New Road with particular reference to vehicular parking.

Reasons

4. The appeal building is a large end terrace property which has been converted to a 6-bedroom HMO. The terrace group comprises of 8 properties positioned on Bury New Road, which appeared to be a busy road. I'm told that the other end terrace is also in use as a HMO.
5. There is no parking to the front on Bury New Road. However, the properties have an access lane, known as Robin Lane (the lane), which runs around the sides and rear of the terrace group. This is of varying widths but widens to the side of the appeal property. The lane also provides pedestrian access to the rear to, amongst other things, housing and a nursery.
6. Although Bury New Road is relatively straight, the combination of the terrace buildings and their small front yard restricts visibility looking southwards. The road has 3 lanes at this point, includes traffic lights and an approach to the

- junction with Higher Lane. Exiting from the lane in a forward gear appeared safe. However, any drivers reversing out of the lane would have poor visibility southwards and limited warning of approaching vehicles. Such manoeuvres would, in my view, lead to unacceptable highway safety risks.
7. I have not been provided with a parking or turning layout for the lane. However, an aerial image provided shows a snapshot of how the lane has been used historically and the appellant suggests 12 cars can be parked in the wider area of the lane adjacent to the appeal site. From my observations it did appear possible to park, turn and manoeuvre within the wider areas, which would allow vehicles to exit safely from the lane in a forward gear.
 8. At the time of my morning site visit I observed parking to the side of the appeal property, to the rear along the lane and to the side of the other end terrace. Nonetheless, there were still spaces available. However, third-party representations have raised concerns regarding the level of parking, particularly in the evenings and photographic evidence has been provided. I recognise that evenings are when the parking demand is likely to be at its greatest from all the occupiers within the terrace group including the existing HMO's. Although photographs are a snapshot in time, I have not been provided with any substantive evidence to quantify the existing parking demand and capacity in the lane.
 9. The Council have advised that they do not have any specific parking standards for HMO's. At present the property is occupied by 6 individuals and the appellant advises that 3 of the tenants have cars and in the area car ownership for HMO tenants is expected to be around 33%. It is therefore put to me that the proposal for 2 additional individuals would likely result in an additional car at the appeal site.
 10. Whilst, at times, some residents of the HMO might not require access to a private car, I do not have any mechanism before me by which this could be secured. In consequence, there is potential that, at times, all residents within the building might have access to a private car. Should this scenario occur, it would seem unlikely, based on my observations and the evidence before me, that all vehicles could be parked along the lane in combination with cars associated with the other properties.
 11. I recognise that the proposal seeks an increase of 2 occupants within the HMO. However, should a number, or all, of the residents have a car, or the visitor levels by car increase, the limited amount of appropriate car parking spaces would encourage parking practices in inopportune locations. This is because, for convenience, residents and visitors might wish to park their car nearby.
 12. As a result, there is the potential for inappropriate parking that would impede the turning and manoeuvring of vehicles in the lane and could result in vehicles reversing out into the highway due to a lack of available space. Any increase in occupancy levels has the potential to incrementally breach the capacity for parking and turning within the lane. In the absence of substantive evidence to the contrary, this would not be conducive to securing good levels of highway safety.
 13. I acknowledge that the appeal property is large and could potentially also be occupied by a large family. However, as a family dwelling, there is a likelihood that not all residents would be of an age where they might be able to drive.

This would reduce the number of likely vehicles associated with the property. In addition, the current layout of the building features bedrooms on the ground floor. A family might utilise a greater proportion of the ground floor for communal space, in contrast with the current use. As such, in my view, the proposed 8-bedroom HMO has the potential to generate a greater demand for car parking than both a family dwelling and the existing 6-bedroom HMO.

14. I recognise that the location of the site and its proximity to shops, facilities and public transport links, means there is potential for occupiers to not need their own cars. I also recognise that some residents may cycle. However, the site equally has good road links for potential occupiers that own a car.
15. I note that the Council's planning officer recommended the application favourably and there were no objections from the Council's traffic section. However, I am required to determine the appeal on its own merits having regard to all evidence before me.
16. In conclusion, the lane appears to have a limited amount of parking and turning space. Based on the evidence before me, an increase in parking demand from occupiers and visitors could lead to circumstances where vehicles reverse onto Bury New Road to the detriment of highway safety in the road.
17. As such, the proposal would be contrary to the requirements of policy HT2/4 and H2/4 of the Bury Unitary Development Plan (adopted 1997) and the Conversion of Buildings to Houses in Multiple Occupation Supplementary Planning Document (adopted 2007). These require, amongst other things, that applications make adequate provision for their car parking and servicing requirements. The proposal would also be contrary to paragraph 109 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have an unacceptable impact on road safety.

Other Matters

18. I recognise that the appellant is seeking to make an effective use of an existing property, an objective which is encouraged by the Framework. The site is sustainably located with good access to services and facilities. The proposal would increase the diversity of housing supply, meeting a need. Moreover, I recognise that the appellant has invested in renovating the property, improving its appearance in the street scene. These are all positive factors in favour of the scheme. However, they do not outweigh the harm that I have identified.
19. I have also had regard to third party representations made including, amongst other things, noise, ownership issues and damage to the lane's surface. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

20. I have taken account of all the other matters raised including the benefits of the proposal. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR