



Appeal Decision

Site visit made on 1 June 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/B4215/W/20/3244110

77 Acomb Street, Hulme, Manchester M15 6FQ

- 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 M Trevizan against the decision of Manchester City Council.
 - The application Ref 125014/FU/2019, dated 30 September 2019, was refused by notice dated 12 December 2019.
 - The development proposed is Class C4 Use (Small House in Multiple Occupation).
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Decision

1. The appeal is allowed and planning permission is granted for Class C4 Use (Small House in Multiple Occupation) at 77 Acomb Street, Hulme, Manchester M15 6FQ in accordance with the terms of the application, Ref 125014/FU/2019, dated 30 September 2019 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 approved plans: Provision of HMO for University Students – Drawing No:09012016; Site Location Plan with occupancy information of surrounding property; Location Plan with storage areas for waste containers; Waste Location Plan; Detailed Plan for Waste Stores for 77 Acomb Street.
 - 3) The development shall operate in accordance with the approved Waste Management Strategy, Waste Location Plan and Detailed Plan for Waste Store submitted with the planning application. The Waste Management Strategy shall be implemented prior to the first use of the development hereby approved and shall remain in situ whilst the use or development is in operation.

Main Issues

2. The main issues are the effect of the proposal on:
 - the achievement and maintenance of balanced communities, including the supply of family-sized dwellings; and
 - the living conditions of the occupants of nearby dwellings with particular reference to noise and disturbance.

Reasons

Housing Provision

3. The appeal property is located on the corner of Acomb Street and Denmark Road. It is accessed in between a retail shop and a ground floor flat and comprises a single room on the ground floor with multiple rooms on the first and second floors. There is a small yard to the front which gives little meaningful outdoor amenity space. Given this arrangement, the property would not, in my view, be the type of house that would be well suited to family occupation.
4. I recognise that if the existing ground floor flat and the appeal property were reconfigured this may improve the quality of accommodation. However, I have no evidence that this is a realistic proposition, and there would still be a lack of meaningful outdoor amenity space. Moreover, there is no substantive evidence before me as to when or whether the property has been occupied as a family home.
5. The appeal site is located in an area where the Council believes that the community is imbalanced, and the appellant's evidence does indicate a high concentration of Houses of Multiple Occupation (HMO's) at present. As such, there would be conflict with Policy H11 of the Manchester Local Development Framework Core Strategy Development Plan Document (CS) (adopted 2012) which broadly seeks to resist HMO's in areas of high concentration. However, there is no substantive evidence before me that the community is not inclusive, or that site specific or cumulative harm would occur if the development went ahead. Nor is there any substantive evidence that HMOs in the locality are reducing demand for school places or harming local facilities.
6. I note the Council's comments that the owners had previously sought to rent the property out as a HMO but had been unable to do so. However, there is no substantive evidence of a lack of need, particularly if the quality of accommodation is improved in accordance with the proposals.
7. I recognise that there is an imbalance already with a lack of family homes in the immediate area as shown by the appellant's evidence. However, having regard to my findings on the suitability of the property for occupation as a family home, I do not consider that the proposal would result in harm to the achievement and maintenance of balanced communities, including the supply of family-sized dwellings.
8. I therefore find, that although the proposal would conflict with the requirements of Policy H11 of the CS, there are reasonable grounds to depart from this policy.
9. Moreover, the proposal would not conflict with the requirements of policies H5, SP1 and DM1 of the CS. These policies seek, amongst other things, that developments make a positive contribution to neighbourhoods of choice, including amongst other things, considering the needs of all members of the community.

Living Conditions

10. The nearest neighbouring property to the entrance is the ground floor flat which is positioned below the proposed HMO. Although I note that the Council

considers the flat to be unauthorised, I have no substantive evidence regarding its lawful position, and I note the Council's assessment on its occupants. A bedroom in the proposed HMO is positioned above this flat with the communal area positioned over the retail shop. As such, any noise internally within the HMO is not likely to be materially different to that of a dwelling and not likely to be harmful to the living conditions of the occupiers of the flat.

11. I recognise that the appeal building's entrance door is positioned near the bedroom of the ground floor flat. Whilst there may be increased movement of people to and from the house if it were occupied as a HMO, in the context of an urban environment I consider that such activity would not be so prominent as to be disturbing.
12. No 22 Denmark Road (No 22) shares a party wall with the appeal property. However, No 22 is positioned adjacent to the retail shop fronting onto Denmark Road. As such, the comings and goings from the HMO onto Acomb Road would be away from its windows and doors. Any effects would therefore be from noise inside the HMO travelling through the party walls. However, whether it is occupied by a family or as a HMO the potential for noise and disturbance exists. Moreover, there is no substantive evidence of noise complaints at any of the other HMO's in the area. I do not therefore consider that activity internally within the property as a HMO would likely cause harm in terms of noise and disturbance to the occupants of No 22.
13. The appellant has demonstrated that there is sufficient space for waste arrangements as part of the proposal. Given the good access links to amenities and the University, it is unlikely that the car ownership rate would be significantly higher than that of a family occupying the property. Moreover, I have no substantive evidence regarding the capacity of parking within the street. In this urban environment the movements of any vehicles associated with the HMO would not, in my view, cause any additional harm in terms of noise and disturbance to occupants neighbouring properties.
14. Given the appeal sites position on the corner, the alley to the rear and retail shop on the ground floor, in my view, any activity associated with the HMO would not be so prominent as to be disturbing to the occupants of other properties within the street.
15. Drawing all the above together, I find that it is unlikely that the appeal proposal would cause harm to the living conditions of the occupants of nearby dwellings with particular reference to noise and disturbance. As such, I find that the proposal would comply with the requirements of Policies SP1 and DM1 of the CS and Policy DC26.1 of the Council's Unitary Development Plan (adopted 1995). These policies stipulate, amongst other things, that all development should have regard to amenity and make a positive contribution to the health, safety and wellbeing of residents.

Other Matters

16. Although not raised in the Council's decision notice, the Officer's report suggests that the occupiers of the ground floor bedroom in the proposed HMO would have poor living conditions. However, it is a reasonable sized room, with an en-suite and although there are bins to the front, this would not be materially different to the existing arrangements or that of others along the

street. For the reasons given in relation to the ground floor flat, I consider that such activity would not be so prominent as to be disturbing.

Conditions

17. I have considered the Council's proposed conditions in accordance with the Planning Practice Guidance. A condition that works are to be carried out in accordance with the submitted plans is necessary to provide certainty. A condition in relation to the waste management scheme is also necessary in the interests of the character and appearance of the area.
18. However, given the limited size of the front yard, the location of bin storage and proximity to existing facilities, I do not consider a condition for secure cycle storage to be reasonable or necessary.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

Robert Walker

INSPECTOR