
Appeal Decision

Site visit made on 31 October 2020

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2020

Appeal Ref: APP/B4215/W/20/3253348

7 Saltford Avenue, Manchester, M4 6EL

- 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 Patel against the decision of Manchester City Council.
 - The application Ref 126256/FO/2020, dated 7 February 2020, was refused by notice dated 1 April 2020.
 - The development proposed is a change of use of dwellinghouse (Use Class C3) to a 4-bedroom HMO (Use Class C4) with a two-storey side extension, single-storey rear extension and the creation of a new pedestrian access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed change of use on (i) the supply and mix of housing and (ii) the living conditions of the occupiers of surrounding dwellings in respect of noise, waste generation and the availability of car parking.

Reasons

Supply and Mix of Housing

3. The appeal site is a three-bedroom house in Use Class C3. There is no dispute between the parties that the house is not within an area with a high or significant concentration of Houses in Multiple Occupation.
4. Although the site is outside of a specific East Manchester sub-area it is within the wider East Manchester area within which Policy H4 of Manchester's Core Strategy, 2012, (CS) gives priority to family housing and other high value, high quality development.
5. The paragraph following CS Policy H4 explains that East Manchester has approximately 30% of the City's available housing sites and that such a level of new development can help change the character of the area; support the economic growth by providing a more balanced community; and that it is adjacent to the City Centre for employment opportunities. It says that East Manchester also includes Central Park and Eastlands which are foci for future growth. For these reasons, I find that East Manchester has strong characteristics of an area of regeneration.

6. The explanation to the policy also refers to the Housing Need and Demand Assessment 2010 (HNDA). The HNDA confirms in Section 5.25 and Appendix E that the demand profile of East Manchester indicates the need for family homes. Section 6 under "The Family Offer" explains that three-bedroom homes are too low a proportion of supply in Manchester compared with demand; that the profile of housing need for the future growth of households in Manchester is predominantly for three-bedroom houses; and that the Family Offer should focus on three/four-bedroom homes in East Manchester. The planning application consultation response from Housing also indicates a lack of family homes for rent. Therefore, there is a clearly identified need for three-bedroom family homes in the area.
7. Policy H11 of the CS indicates that where there is not a high concentration of HMOs but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against such changes of use. As there is a lack of family housing in the area and the regeneration activity aims to increase the supply of such dwellings, a change of use to an HMO would conflict with the aims and objectives of this policy.
8. I note the appellant's reference to CS Policy SP1 in that development in all parts of the City should consider the needs of all members of the community and I accept that it is important to support the Recent Graduates and Excluded Middle Market offers in East Manchester. However, the HNDA makes suggestions¹ for these groups which are broadly based on exclusive products. For example, for recent graduates, high-quality new build shared houses with management and leasing criteria are suggested on the fringe of the City Centre. For the excluded middle market, suggested products include shared equity and rent-to-purchase schemes. None of the propositions include the provision of HMOs via conversions. Moreover, CS Policy H11 clearly presumes against such conversions. Therefore, I consider that HMO conversions involving the loss of a family home is not an appropriate way to address the housing needs of these two groups.
9. I also note the appellant's reference to the Strategic Housing Market Assessment 2019 which identifies a group as "constrained renters". However, this group does not exclude families.
10. The appellant has referred to appeal decision APP/B4215/W/15/3138693. The full evidence that was before the Inspector in that case is not before me. Moreover, that case was not in East Manchester and I have determined this appeal against the development plan policy relating to East Manchester and that area's identified housing need. I note the appellant's argument that students are unlikely to occupy the house but this makes no difference to my findings.
11. I therefore conclude that the proposed change of use would adversely affect the supply of family housing and harm the housing mix in the area. Consequently, it would be contrary to CS Policies H4 and H11 as detailed above. It would also conflict with CS Policy SP1 which, amongst other matters, seeks to meet local housing need. It would also conflict with Paragraphs 59 and 61 of

¹ Section 6 HNDA

the National Planning Policy Framework (NPPF) which indicates that specific housing requirements for different groups should be addressed.

Living Conditions

12. Planning permission has already been granted for similar extensions and therefore it is not necessarily the case that the appeal proposal would lead to a greater occupancy level than could occur without the change of use. However, a group of adults may well create more additional comings and goings late at night than would a family group, which is more likely to have children. Nonetheless, I consider that any additional comings and goings that might arise from the change of use would be negligible within the context of the surrounding dense residential area which includes a high-rise block of flats adjacent to the appeal site.
13. The Council has mentioned inadequate management of refuse storage but has provided little evidence on this point. The plans show a bin store and I have been given no substantive reason why this would not be adequate.
14. The proposed design does not incorporate off-street car parking. Whilst I appreciate that a family could be a group of adults, a HMO is far more likely to contain more adults than a family house. Furthermore, family occupants are more likely to share cars. Allowing 4 unrelated adults to live in the house would significantly increase the chance of the occupants, collectively, keeping more cars than they would if the house remains in a C3 Use.
15. I saw at my visit that many of the houses on Saltford Avenue do not have off-street car parking. There was a car parked in the turning head outside of the appeal property. Parking in turning heads hinders their use. The Local Highway Authority also reported that the turning head is used for parking and expressed concern in respect of parking demand. At my visit I saw cars parked on pavements in Saltford Avenue and surrounding streets. All of these factors indicate that the demand for parking on the street is high, regardless of the proximity of the site to local transport stops. Saltford Avenue is a very narrow road with little opportunity for on-street parking without causing inconvenience to residents, particularly as cars would need to be partially occupying the pavement in order to avoid blocking the road. A further increase in parking demand would exacerbate the existing lack of car parking provision in the immediate area causing annoyance and inconvenience.
16. Due to a lack of car parking provision, the proposal would be harmful to the living conditions of local residents and future occupiers. The proposal would therefore conflict with CS Policy SP1 which seeks to ensure good design. It would also conflict with CS Policy DM1 which indicates that development should have regard to residential amenity and car parking. There would also be conflict with Paragraph 127(f) of the NPPF which says that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

17. The appellant argues that the Council cannot demonstrate a 5-year housing land supply (HLS). Benefits of the proposal put forward by the appellant include the future economic contribution to the area from the occupants of the HMO; the reduction in the need to travel due to convenient access to jobs, services

and transport links; the provision of affordable housing; and the economic benefits to local builders and tradesmen in respect of the conversion and extension.

18. However, a family could also contribute to the local economy and it would also have access to jobs, services and public transport so there would be no discernible benefits in these respects. The contribution to the economy resulting from the building work would be small as it would only relate to a single dwelling. There is no mechanism before me to secure affordable housing and HMOs have not been identified as being appropriate by the Council for providing cheaper options for renters. Furthermore, the change of use would not add to the housing supply. Even if the shortfall in HLS were significant, the adverse impacts allowing the appeal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

19. I dismiss the appeal.

Siobhan Watson

INSPECTOR