



Appeal Decision

Site visit made on 23 March 2021

by Siobhan Watson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2021

Appeal Ref: APP/B4215/W/20/3263248

Gorton Mount Hotel, 187 Mount Road, Manchester, M18 7QG

- 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 D Puskaric against the decision of Manchester City Council.
 - The application Ref 127515/FO/2020, dated 15 July 2020, was refused by notice dated 21 October 2020.
 - The development proposed is the change of use from a public house with residential accommodation above to a guest house (Use Class C1).
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the change of use on the (i) living conditions of the occupiers of surrounding dwellings in respect of noise and disturbance and (ii) the character of the area.

Preliminary Matters

3. The Council has indicated that it is concerned that the building would be used as a House in Multiple Occupation. However, I must consider the appeal on the basis of what has been applied for which is a guest house.
4. According to the appellant, the appeal building was built in 1933 as a pub with hotel accommodation above. I have no firm evidence relating to the hotel accommodation. Planning permission was granted in 2013 to convert the first floor to two flats but I understand that in the recent past, the first floor has been used as a guest house. I have no confirmation from either party of the lawful use of the first floor and it is not a matter for me to determine in the context of an appeal made under Section 78 of the above Act. It is not disputed that the ground floor has a historic use as a pub but it has been closed for some time and the appellant says that a pub or restaurant use is no longer viable. I have considered the proposed change of use within this context.

Reasons

Living Conditions

5. The building is located at the junction of Mount Road and Darras Road. Mount Road is a busy road with a significant level of traffic noise. However, Darras

Road alongside the site, and Ryton Avenue which is directly behind it, are fairly quiet residential streets.

6. Two car parking layouts have been submitted by the appellant and the Council has confirmed that the 11 space layout is the plan on which the application was determined. I can see that this plan was subject to the consultation of the Local Highway Authority. The appellant's transport statement acknowledges that the Manchester Core Strategy specifies a maximum of 1 parking space per bedroom and the Council suggests that the use should require the maximum, i.e., 18 spaces.
7. However, the site benefits from high levels of connectivity in respect of public transport. Rail connections are within walking distance and there are regular bus services on Mount Road. Given that the site is accessible by public transport it is likely that some guests would arrive without a car. Therefore, the provision of 11 spaces does not seem too low and I have no evidence that this level would harm highway safety. However, I must assess parking activity in relation to the living conditions of neighbours.
8. The parking layout would utilise existing unmarked car parking areas adjacent to the two road frontages. There would be additional spaces in the back yard which is currently gated and not demarcated for parking. I note the appellant's comments that this area has historically been used as a beer garden and parking but I have no specific details of this, for example, to what extent the yard was used. In any event, the pub use has not been active for some time.
9. The proposed spaces in the back yard would conflict with the waste and recycling layout plan so it is unclear where the bins would be if this area were to be used for parking. Furthermore, although I note that there is one small space for a service vehicle, the Local Highway Authority has recommended that all servicing requirements including waste collection and deliveries should be taken within the curtilage of the site and it recommended that a waste strategy is sought to avoid kerbside loading. It also requested a tracking diagram of a large car. However, such a layout has not been submitted.
10. Overall, there is a lack of detail as to the location of car parking, bins and servicing. Given that the back yard adjoins private gardens, the location of some of these activities within it may cause noise and disturbance to the adjoining residents of Ryton Avenue. I note the appellant's request for a condition to secure a satisfactory car parking scheme but I cannot impose a condition unless I am satisfied that such a scheme can be achieved without harming the living conditions of the neighbouring occupiers.
11. Moreover, a guest house is a 24-hour use whereas the hours of use of a pub can be controlled by licensing. A large number of residents on the site would generate multiple comings and goings, potentially late at night. Their voices or other noise they make, such as vehicular noise, could disturb surrounding residents on Darras Road and Ryton Avenue. I note the appellant's comments that there would be a live-in manager but no manager's flat is shown on the plans. I also note that the external areas would be monitored by CCTV. Nevertheless, I have no substantive evidence to convince me that such measures could prevent people making noise outside. I note the appellant's

comments that the reception would close at 9pm but this would not mean that people could not enter and leave the building afterwards.

12. My concerns in this respect are supported by a neighbour who says that the current occupants create noise and mess. Indeed, I noted at my visit that the existing hardstanding area, alongside the public footway to Darras Road, was covered with cigarette butts which is an indication that people stand outside smoking and creating litter. People talking outside at night while they smoke would also create noise. The building is currently partially used as a guest house and intensifying this use is likely to exacerbate the problem.
13. The Council suggested a noise management condition to which the appellant objected. In any event, I do not have detail about what such a scheme might comprise so I am not persuaded that it could satisfactorily address concerns in relation to noise and disturbance.
14. I conclude that the proposal is likely to harm the living conditions of the occupiers of neighbouring houses. It would therefore be contrary to CS Policies T2 and DM1 and Policy DC26 of the Unitary Development Plan for the City of Manchester. In combination, these policies seek to protect amenity, protect against noise; have regard for refuse storage and collection; and provide appropriate parking facilities.
15. CS Policy CC4 supports new hotels that contribute to the quality of the city centre hotel offer and outside of the City Centre where they support visitor-oriented development. This does not preclude hotel uses outside of the city centre which are not supporting visitor-oriented development. However, the explanatory text says that the Council will use the planning process as an opportunity to improve the quality of hotel developments. As I have found harm to living conditions, I find the proposal to be a low quality development and therefore, the proposal would conflict with this objective.

Character

16. I accept that there are a lot of residential properties surrounding the site. However, Mount Road also contains community and retail uses. The site also has a long-standing history as a pub. Therefore, within this mixed-use context, I do not consider that a guest house would be out of character with the area. The Council has mentioned the intensive use of the building in relation to character, but within the above context, and in the absence of further evidence, I consider this to be a living conditions matter. Therefore, I find no harm to the character of the area and no conflict with CS Policies SP1 and DM1 which seek to protect it.

Other Matters

17. I note the appellant's comments that CS Policy EC5 identifies that there are a lower than average number of small business and higher than average levels of unemployment in the area and that there would be an economic benefit to the proposal. I also note his comments that CS Policy H4 says that the area has a substantial capacity for a variety of residential development on vacant sites. The proposal would also bring the building back into full use. However, these matters do not outweigh the harm I find to living conditions.

18. The appellant has referred to an appeal in Stretford¹ but that proposal was for a significantly smaller scale development. Therefore, it is not directly comparable to the appeal before me.

Conclusion

19. Although I do not find harm in relation to the character of the area, I do find harm to the living conditions of nearby residents. The proposal conflicts with the development plan as a whole and I dismiss the appeal.

Siobhan Watson

INSPECTOR

¹ APP/Q4245/W/17/3188698