

Appeal Decision

Site Visit made on 15 June 2021

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2021

Appeal Ref: APP/B4215/W/21/3266765

53 Furness Road, Manchester M14 6LX

- 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 Mrs Samina Saeedullah against the decision of Manchester City Council.
 - The application Ref 128301/FO/2020, dated 14 October 2020, was refused by notice dated 9 December 2020.
 - The development proposed is the continuation as a small house in multiple occupation (Use Class C4).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Samina Saeedullah against Manchester City Council. This application is the subject of a separate decision.

Preliminary Matters

3. While the property may have been used as a House in Multiple Occupation (HMO), the appellant accepts that she does not pose documentation to demonstrate, on the balance of probability, that the property has been lawfully used in this manner for a period of 10 years or more.
4. The description of development above is taken from the planning application form. However, part E of the appeal form contains the same description of development as found on the decision notice. This better reflects the scheme that is before me, and as such I have considered the appeal on the following basis: "Change of use from a dwellinghouse (Class C3) to a House in Multiple Occupation (Class C4)."

Main Issue

5. The main issues in this case are the effect of the proposal on: (a) the mix and balance of housing provision in the area; and (b) the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Mix and balance of housing provision

6. Policy H11 of the Manchester Core Strategy (CS) states that a change of use from a C3 dwelling house to a C4 HMO will not be permitted where there is a high concentration of residential properties within a short distance of the application site. There is an Article 4 Direction in place which means that planning permission is now required for this type of development.
7. The site lies in an area known as Fallowfield Brow which encompasses six

streets characterised by rows of two-storey terraced properties. The location is sought after by students due to its proximity to and accessibility to various higher education campuses. The range suggested by the main parties of HMO's in Fallowfield Brow is between 70 and 100%. Interested parties indicate that the higher figure is broadly correct taking into account not just the licensing register. Hence, it seems to me that the level of concentration lies somewhere between 90 and 100%. However, whichever figure is used, CS Policy H11 includes a presumption against the loss of a family dwelling to an HMO.

8. The loss of a family home would add to the current high concentration of HMO's in the local area where there is a general need for family housing as identified by CS Policy H6. The proposal could also increase the pressure for the remaining family homes in the area to be converted into HMO's. There may well be a high demand for HMO accommodation, but there is no substantive evidence to support this. The site's location may be in an area dominated by HMO accommodation but balanced against this is the conflict that this is occurring between the lifestyles of students and residents. This will not be helped by the transient nature of the occupants of HMO's and the seasonal nature of their occupation which is linked to term times. By allowing another HMO it would alter the occupation intensity of the property and further tip the balance of housing provision in the locality and further harm the sustainability of the community, its character and function which policy seeks to protect.
9. Various appeal decisions have been referred to by both main parties. Some of the decisions¹ are not directly comparable to the appeal scheme due to either their location, and thus character, prior use, or the concentration of HMO's in the local area. The decisions at 77 Acomb Street and 16 Richmond Road both explain that the limited provision of outdoor amenity space at these addresses is a reason towards them not being suitable for family occupation. While the appeal property also has limited outdoor amenity space, it is a short walk away from a large public park and a range of facilities and services. I am not certain that these circumstances also apply to the cases at Acomb Street or Richmond Road. Therefore, these decisions do not justify the appeal scheme.
10. There is also no substantive evidence that the property has, despite being in an area with a high HMO concentration, been marketed as a family dwelling or that there is a lack of demand for this type of accommodation unlike the Brailsford Road, Catfield Walk and Moss Lane East decisions.
11. I conclude that the proposal would harm the mix and balance of housing provision in the area having regard to the local provision of housing. As such, the proposal would be contrary to CS Policies H6, H11, DM1 and SP1 which collectively, among other things, do not permit a change of use to a C4 HMO where there is a high concentration of such uses within a short distance of the site to protect the character of the area and help meet identified shortfalls such as in family housing.

Living conditions

12. The Council did not refuse planning permission based on a potential effect on neighbouring residents living conditions, but concerns are raised by interested parties. In my view, using the property as a HMO compared to a family dwelling would be likely to lead to noise and disturbance from an increased number of comings and goings, but also from the concentrated occupation of the property by multiple unrelated individuals. These could occur at any time of

¹ 17 Hibbert Street, 31 Northdale Road, 42 Schuster Road, 43 Schuster Road

the day and the effect of them would be felt by neighbouring residents in the local area due to its tight-knit urban grain. The comments made by interested parties only confirm my concerns about the proposal. Despite the concentration of HMO's in the area, the proposal would be likely to add to the existing harmful noise and disturbance that nearby residents in family dwellings experience. By allowing the appeal there is no certainty that other properties would also be converted into HMO's thereby avoiding potential noise and disturbance conflicts.

13. I conclude that the proposal would harm the living conditions of neighbouring occupiers, with particular regard to noise and disturbance. Having regard to the planning policies before me, the proposal would conflict with CS Policies DM1 and SP1 which jointly seek, among other things, all development to have regard to its effect on amenity, including noise so that it makes a positive contribution to the health and wellbeing of residents.

Conclusion

14. Although the appellant does not object to any of the Council's suggested planning conditions, they do not address or overcome the harm that I have found relating to the mix and balance of housing provision or residents living conditions. For these reasons, the proposal conflicts with the development plan as a whole and there are no material considerations that indicate that I should take a different decision other than in accordance with this.
15. For the reasons given above I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR