



Appeal Decision

Site Visit made on 29 June 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 6th August 2021

Appeal Ref: APP/U4230/W/21/3271727

48 Delamere Avenue, Salford M6 7WS

- 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 Miss Gemma Salusbury (Grant Property) against the decision of Salford City Council.
 - The application Ref 21/76759/COU, dated 11 January 2021, was refused by notice dated 8 March 2021.
 - The development proposed is described as 'change of use from 3 bed C3 dwelling to a small 4 bed C4 HMO'.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from 3 bed C3 dwelling to a small 4 bed C4 HMO at 48 Delamere Avenue, Salford M6 7WS in accordance with the terms of the application, Ref 21/76759/COU, dated 11 January 2021, 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: Drwg. No. 2020-RESI-1131 A3 – Site and Location Plan, Drwg. No. 2020-RESI-1131 A3 – Existing Plans, and Drwg. No. 2020-RESI-1131 A3 – Proposed General Arrangement Layouts.
 - 3) Notwithstanding condition 2 the development hereby permitted shall not be brought into use until details of the secure cycle parking have been submitted to and approved in writing by the local planning authority. The details shall include the type of cycle storage compound or racking system and security measures to be used. The development hereby permitted shall not be brought into use until the approved details have been implemented, which shall be retained for its intended purposes at all times thereafter.
 - 4) The number of residents accommodated on the premises shall not exceed four.

Procedural Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have considered its provisions in relation to the appeal scheme and note that there are no significant changes from the 2019 iteration which would affect the main issue of the case. Accordingly, I have referred to the 2021 Framework in my findings.

Applications for costs

3. An application for costs was made by Miss Gemma Salusbury (Grant Property) against Salford City Council. That application is the subject of a separate Decision.

Main Issue

4. The main issue is whether the proposal would provide acceptable living conditions for future residents, with particular reference to internal room sizes.

Reasons

5. The Council's decision notice refers to the inadequate internal space available at No. 48 for its intended use. There are no development plan policies in place which specify minimum room sizes. Nonetheless, Policy DES7 of the City of Salford Unitary Development Plan 2004-2016 (2009) (UDP) requires that all new development provides potential users with a satisfactory level of amenity, in terms of space, sunlight, daylight, privacy, aspect and layout. This policy reflects an aim of the National Planning Policy Framework (the Framework) to ensure that developments provide a high standard of amenity for existing and future users.
6. On my site visit I saw that all of the proposed bedrooms were capable of accommodating a bed and furnishings with unobstructed access to them. Room sizes are commensurate with what may generally be expected of properties in a relatively central location such as this. Whilst I am aware that a separate living room is not proposed to be provided, given the generous amount of floorspace proposed for the kitchen/dining room and the open plan layout shown in the submitted plans, it is likely that this area would be used as a combined kitchen/dining room/living room. That, in my view, would provide a reasonable amount of useable internal floorspace in addition to that within individual rooms.
7. I also note that the Council's planning application report has made reference to the Council's handbook "Salford City Council's standards for houses in multiple occupation" (SFHMO). This offers guidance to landlords on the physical standards that are required for licensing purposes including minimum room sizes, bathroom and kitchen facilities and fire safety provision.
8. Whilst this document does not form part of the development plan for the area, it does nonetheless provide useful Council guidance in respect of acceptable room sizes. Consequently, and in the absence of any detailed planning policies relating to this matter, I consider that it is reasonable to have regard to this guidance as it is a Council document and has been prepared to ensure that houses in multiple occupation (HMO) adhere to acceptable living standards.
9. The Council has confirmed via correspondence of 5 July 2021 at appeal that they are of the view that, on balance, the rooms comply with the standards, and no objection has been raised by the HMO licensing team in that respect. In light of all of these factors, and subject to the imposition of an occupancy condition to restrict the number of people residing at the property to four, I therefore do not consider that the room sizes would be too small.
10. As such I find that the proposal would provide adequate living conditions for future residents, with particular reference to internal room sizes. As a

consequence, it would not conflict with UDP Policies DES7 and H1, which amongst other things, require the provision of a high quality residential environment and a satisfactory level of amenity for potential users. It would also accord with Paragraph 130 of the Framework in this regard.

Other Matters

11. I recognise that the proposal would result in the loss of a family house that is situated in a relatively sustainable and accessible location, close to local facilities and services and with good public transport links. However, based on Council data about the very limited number of HMOs in the Claremont area, Planning Officers reached the view that the proposal would make a positive contribution towards meeting the housing needs of those requiring lower cost accommodation in the area. I have no substantive reason to question any of these findings or conclude that it would not contribute towards the provision of a balanced mix of dwellings in the area. As a result, there is little evidence before me to demonstrate that the proposal would not comply with UDP Policy H3, the Claremont and Weaste Neighbourhood Plan or the objectives of the National Planning Policy Framework in this regard.
12. I have had careful regard to the representations of local residents, which concern the suitability of the appellant as a landlord, litter, vermin, damp and fire safety. However, there are remedies available via separate regimes to certain matters, such as noise in terms of statutory nuisance, and the safety and suitability of the building in respect of building regulations and landlord obligations. Moreover, much is reliant on effective management, which equally lies outside of planning.
13. Whilst I have noted arguments regarding highways, noise, and property values the Council's Highway Authority has not raised any objections in regard to transportation or the availability of parking, and I am satisfied that the number of vehicle movements would not result in any congestion or highway safety risk. I also do not consider that the proposed use, for four occupants in a residential area, would result in such an increase in noise to cause unacceptable disturbance to the occupiers of neighbouring properties.
14. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. I have also considered the argument that the grant of planning permission would set an undesirable precedent for other similar developments. However, each application and appeal must be determined on its individual merits, and I have found the proposal to be acceptable for its own specific reasons. As such a generalised concern of this nature does not justify withholding planning permission in this case.

Conditions

15. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions*. In addition to a condition specifying the relevant plans (which is necessary to provide certainty), I agree that a condition is necessary for the provision of a scheme for cycle storage parking to encourage more sustainable modes of transport. A condition relating to maximum occupancy levels is also required to ensure that the development would provide future residents with a satisfactory living environment.

Conclusion

16. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed.

Mark Caine

INSPECTOR