



Appeal Decision

Site visit made on 28 September 2021

by K Stephens BSc (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2021

Appeal Ref: APP/B4215/W/21/3273744

73 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 Mr Anil Aggarwal against the decision of Manchester City Council.
 - The application Ref 128662/FO/2020, dated 30 October 2020, was refused by notice dated 12 January 2021.
 - The development proposed is described as 'Change of use from dwelling house (Use Class C3) to House in Multiple Occupation (Use Class C4).'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the mix and balance of housing provision in the area, and (ii) the character and appearance of the area.

Reasons

Mix and balance of housing provision

3. The appeal property is a two-storey end of terrace dwelling on the corner of Furness Road and Albion Road. It is located within a predominantly residential area characterised by a grid pattern of similar terraced streets. The Fallowfield Brow area is close to a number of Higher Education campuses and on my visit I saw this included buildings for Manchester University. Hence the area is popular with students. According to the submitted plans, the proposal would change the use of the dwelling into a 6-bedroom House in Multiple Occupation (HMO).
4. The Fallowfield area lies to the south of the city centre and outside the 'Inner Areas' as shown on the map in Policy SP1 of Manchester's Core Strategy (the 'CS'). For this area CS Policy H1 states that the emphasis will be on increasing the availability of family housing. There is also a need to diversify housing stock in mono-tenure areas by increasing the availability of housing, including for larger families, and creating mixed communities. CS Policy H6 explains that outside District Centres priorities will be for housing which meets identified shortfalls, including family housing.
5. As part of measures to resist the loss of family housing, CS Policy H11 states that a change of use from a C3 dwellinghouse 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 that fall into various HMO categories. There is an Article 4 Direction in place that removes permitted development rights so that planning permission is required to change from a C3 dwelling to a C4 HMO. These policies would have been evidence-based as part of the Local Plan process.

6. For the purposes of Policy H11, housing suitable for a family is described as a dwelling with 3 or more bedrooms. The submitted plans show the property currently has 3 bedrooms, with a fourth in the roof, and a number of reception rooms on the ground floor. There is also a part-built single storey rear extension under construction. The appeal property is therefore a dwelling suitable for a family and the proposal would see the loss of such.
7. The Council states that approximately 70% of the properties in the area are HMOs. Whilst it is unclear the extent of the area used for this calculation, the appellant considers the percentage to be higher. Whatever the exact figure, the parties are in no doubt there is a high concentration of HMOs and similar shared-occupancy housing in the area. The appellant contends that the loss of one family dwelling would have a negligible impact on the already high numbers of HMOs in the area.
8. Although the appeal site is located close to the Higher Education facilities with a large student population, there is a lack of evidence to substantiate the appellant's claim that there is a need for more student accommodation. This is pertinent as the supporting text to Policy H11 reports that the current amount of purpose-built student accommodation in the 'planning pipeline' exceeds demand and that such accommodation will be able to meet any increase in overall demand for student accommodation in the City.
9. Policy H11 also requires demonstration of there being no 'reasonable demand' for family housing. This involves marketing the property for a reasonable price or rent for at least six months, or there is other compelling market evidence. The appellant has provided a letter from a local property company¹ that states they will be marketing the property for rent when the refurbishment is finished. As already described, I saw that the property's refurbishment is not yet complete. The letting company goes on to say that despite a variety of advertising there has been no interest from families to rent the property, and that based on their professional view there would be little prospect of it being let as a single-family unit.
10. There is no substantive evidence of the 'variety' of advertising or marketing for sale or rent that has been undertaken and the time period over which this has been done. Consequently, I am not satisfied that there is no demand for the property as a family dwelling, for either sale or rent. The property may well remain vacant if planning permission is not forthcoming for an HMO, but that does not outweigh the loss of a family dwelling of which there is a shortfall and the lack of evidence to show this.
11. Even if there is already a high concentration of HMOs in the area, that is not necessarily a reason to allow one more property to become an HMO and worsen the situation, when balanced against the shortfall of family dwellings in the area and a clear policy direction to restrict the loss of such dwellings.

¹ Jupiter Properties (Manchester)

12. I have been advised of a number of appeal decisions to support each party's case. The appellant's Denmark Road appeal example is some years old. It is in a different part of the city and the property was in a short terrace with commercial properties nearby. The other example is in Cardiff in another part of the country. Both appeals conclude that one more HMO in an area with an already high concentration would not exacerbate an existing situation. However, neither examples are directly comparable due to their locational and contextual differences.
13. The Council's appeal decision example is, however, more relevant because it applies to a similar property on the same side of Furness Street² (No.53) in close proximity to the appeal property. Whilst the second reason for refusal is different, the appeal was determined recently a few months ago such that similar facts and policies apply. I see that Inspector concluded as I have with regards the loss of a family home.
14. The proposal before me would result in a loss of family housing which the Council seeks to resist and for which there is a demand. The proposal would therefore undermine and harm the mix and balance of housing provision in the area. Accordingly the proposal would be contrary to CS Policies H1, H6, H11 and SP1 whose aims are already outlined above. CS Policy DM1 is a development management policy which is not directly relevant to this main issue.

Character and appearance

15. A proliferation of shared or multi-occupancy housing and the transient nature of the population living in such properties can put strains on local services and facilities, making it harder to plan and provide for them, especially as such properties can be empty for periods of time between terms. CS Policy SP1 seeks to ensure that development makes a positive contribution to neighbourhoods and should contribute to the City's aim to create neighbourhoods where people choose to live and where a good mix of housing and local services and facilities provides for people of all ages. Furthermore, Policy DM1 expects new development to have regard to the character of the surrounding area.
16. Policy H11 states that a sustainable community must provide opportunities for a mix of households and that within this mix, families are particularly important. This is because they support a range of local facilities, such as schools, and have a greater commitment to the neighbourhood as they tend to stay there longer. This is in contrast to the more transient nature of the student population who likely have little connection to the local area beyond their stay.
17. The area is predominantly residential in appearance with rows of similar terraced housing. However, the nature of HMOs is that they have different activity patterns from family homes. Properties with a number of separate individuals coming and going independently of each other can result in an over-intensive use. As a result, the high concentration of HMOs and shared occupancy properties have changed the character of the area.

² Appeal Ref: APP/B4215/W/21/3266765 dated 18 June 2021

18. The already high concentration of HMOs and students may affect the area's appeal to families. However, from the Council's evidence not all properties in the area are HMOs. This indicates that the balance and mix can be addressed to maintain family housing, and encourage more families and hence create more sustainable communities.
19. Whilst the change of use of a single property on its own may appear innocuous on face value, that argument can be repeated many times and dilute the Council's efforts to create balanced and sustainable communities. This would have the cumulative effect of eroding the overall character and appearance of the area. Accordingly the proposal is contrary to CS Policies SP1, H11 and DM1, whose aims are outlined above.

Conclusion

20. For the reasons given above I conclude that the proposed development would not accord with the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal should be dismissed

K. Stephens
INSPECTOR