



Appeal Decision

Site visit made on 7 December 2021

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/B4215/W/21/3277884

77 Averill Street, Newton Heath, Manchester M40 1PD

- 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 Peter Child (One Heritage Complete) against the decision of Manchester City Council.
 - The application Ref 128901/FU/2020, dated 4 January 2021, was refused by notice dated 26 January 2021.
 - The development proposed is the change of use from dwelling house (Use Class C3) to 5 bedroom House of Multiple Occupation (HMO) (Use Class C4) together with installation of rear roof lights.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Peter Child (One Heritage Complete) against Manchester City Council and also by Manchester City Council against Peter Child (One Heritage Complete). These applications are the subject of separate Decisions.

Preliminary Matters

3. It is clear from the plans and accompanying details, that the development proposed includes the installation of rear roof lights. I have therefore used the Council's description of the development proposed in the banner heading above as it more accurately describes the proposal.
4. I note that local residents' representations indicate that the proposed change of use has already taken place and that the appeal property is currently being used as a House of Multiple Occupation (HMO). However, I have no evidence from the Council to confirm this, and it was not evident on my site visit. As such, I have determined the appeal on the basis of the submitted plans and the evidence before me.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

Main Issues

6. The main issues are the effect of the proposal on the supply and mix of housing, and the living conditions of the occupiers of surrounding dwellings in respect of noise and disturbance, waste generation and the availability of car parking.

Reasons

Supply and Mix of Housing

7. The appeal relates to a two storey end terrace house that is located in a predominantly residential area, that is characterised by a mixture of terrace and semi-detached dwellings. There is no dispute between the main parties that the appeal site is not within an area with a high or significant concentration of HMOs.
8. Nonetheless, the site is located within East Manchester where Policy H4 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS) gives priority to family housing and other high value, high quality development. The explanation to this policy refers to the Housing Need and Demand Assessment 2010 (HNDA), which shows that there is a need for 3-4 bedroom family housing in East Manchester.
9. Policy H11 also 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.
10. It is uncontested that the appeal building is a 3 bedroom family house and I have no reason to question this. I also note the appellant's reference to CS Policy SP1's emphasis on creating neighbourhoods of choice and providing high quality and diverse housing, and his views that the proposed HMO would provide accommodation for those that could either not afford or do not require a family sized dwelling. Furthermore, although the city-wide Article 4 Direction, results in planning permission being required for changes of use from a C3 dwelling to a C4 HMO I am aware that this does not preclude the grant of planning permission for such types of development.
11. However, there is little evidence before me to substantiate that the development can be classed as high quality housing. The planning application consultation response from the Council's Housing and Residential Growth team also indicates a lack of family homes for rent across the city. As such, there is a clearly identified need for family homes in the area. Given these factors, 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 CS Policy H11.
12. I therefore find that the proposal would adversely affect the supply of family housing and therefore harm the supply and 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.

Living Conditions

13. The occupiers of an HMO are likely to lead independent lives from one another. Taking account of the size of the appeal property, the activity generated by 5 persons living independent lives, with separate routines, would lead to a level of activity that would be more marked and intensive than that which could reasonably be expected to be associated with a single house, that is occupied by a family of 4.

14. 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 5 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. The level of activity resulting from a group of 5 unconnected people is therefore likely to result in more frequent comings and goings and differing patterns of behaviour. This would cause disturbance from factors such as car engines, car audio systems, slamming of doors and people conversing at any time of the day, including when residents would reasonably expect a certain degree of peace and quiet. Given that the prevailing character of the area is of family terrace housing the effect would be felt by neighbouring residents, due to the close-knit urban grain found in the area.
16. On my site visit I saw that the terrace houses along Averill Street do not have off-street car parking. I also noted that the stretch of highway directly in front of the appeal site was not heavily parked and that there was some space available to the side of the appeal site. However, I recognise that this may have just been a snapshot in time, and that the situation may change in the more competitive evening and weekend times when people return from work.
17. I am also mindful of the representations that have been received from local residents, and the Council's highway engineer regarding the amount of on-street car parking on Averill Street. Furthermore, no substantive evidence, by the way of a car parking survey has been provided by either party. In the absence of such evidence, I am unable to conclude that the proposed HMO, when fully occupied, would not exacerbate the on-street car parking problems, to the detriment of highway safety.
18. The appellant argues that the site is well located in terms of public transportation, that cycle storage would be provided, and that occupiers would be encouraged to use sustainable forms of transport. Nonetheless, I am mindful of the professional clientele that the appellant wishes to attract. This target clientele would be likely to own and rely on the car to travel. A further increase in parking demand would therefore exacerbate the existing lack of car parking provision in the immediate area causing annoyance and inconvenience.
19. Although there is little evidence to substantiate the Council's concerns in respect of waste storage, I find that the proposal would harm the living conditions of the occupiers of surrounding dwellings in respect of noise and disturbance and the availability of car parking. The proposal would therefore conflict with CS Policies SP1, H11 and DM1 in this respect which seek, amongst other matters, to ensure good design and that development should have regard to residential amenity and car parking.

Other Matters

20. The appellant's frustration in respect of the Council's lack of communication before making the decision are noted. However, this factor has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.
21. The Council has not raised any objections in respect of the proposed roof lights and I have no reason to question this. Nonetheless, this does not overcome or

outweigh the harm that I have identified in respect of the main issues of this case.

Conclusion

22. 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 therefore be dismissed.

Mark Caine

INSPECTOR