



Appeal Decision

Site visit made on 8 February 2022

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/U4230/W/21/3282593

48 Cecil Road, Eccles, Manchester, M30 0FZ

- 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 Shazna Miah against the decision of Salford City Council.
 - The application Ref: 21/77885/COU dated 14 June 2021, was refused by notice dated 6 September 2021.
 - The development proposed is a change of use from C3 (dwelling) to C4 (HMO) (5 residents).
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from C3 (dwelling) to C4 (HMO) (5 residents) at 48 Cecil Road, Eccles, Manchester, M30 0FZ in accordance with the terms of the application, Ref: 21/77885/COU dated 14 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The HMO hereby permitted shall not be occupied by more than 5 residents.
 - 3) The development shall be carried out in accordance with the following approved plans: Existing and Proposed Floor Plans and Elevations Drawing No SM11321 Rev A 23 05 2021.
 - 4) Prior to the commencement of the development details of secure cycle parking for at least 2 cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented and made available for its intended use prior to the first occupation of the HMO hereby approved and shall be retained thereafter

Application for Costs

2. An application for costs was made by Mrs Shazna Miah against Salford City Council. This application is the subject of a separate Decision.

Procedural Matters

3. Although it differs from that given on the application form, I have taken the description of the proposed development from that given on the decision notice and appeal form as it more accurately defines the proposal.
4. Some local residents have stated that the property is already in use as an HMO, although the current use is described as a single dwelling house on the

application form. As my site visit was arranged on the basis of an external inspection of the site and area only, I was unable to ascertain the internal arrangement of the property and its present use. However, I intend to consider the appeal on the basis of the proposal being for change of use from a dwelling (Use Class C3) to an HMO (Use Class C4).

Main Issue

5. The one main issue is whether the proposed development would provide acceptable living conditions for future occupants.

Reasons

6. The proposal to provide a 5-bedroom HMO would involve a material change of use, as Class C4 of *the Town and Country Planning (Use Classes Order) 1987 (as amended)* refers to houses in multiple occupation, which are defined as small, shared houses occupied by between three and six individuals sharing basic amenities. No exterior alterations are proposed although the property would be re-ordered internally.
7. A change of use from Class C3 (dwelling house) to Class C4 (HMO) would normally be permitted development under the provisions of the *Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*. However, the appeal property lies within an extensive area covered by an Article 4 Direction which removes normal permitted development rights for changes of use from Class C3 to Class C4 in order to manage amenity and character impacts associated with HMOs, as well as to ensure that balanced communities are maintained within the City.
8. The Council does not have a threshold limit on the number of HMOs within an area but has assessed the proposal against saved Policy H1 of the *City of Salford Unitary Development Plan 2004-2016* (UDP) and Policy H10 of the emerging *Publication Salford Local Plan* (LP) which amongst other things sets out how conversions and changes of use from dwellings to HMOs will be controlled.
9. The Council says there are currently two HMOs on Cecil Road, and the proposal would increase this to three. As such, the Council concluded that there would not be an over-concentration of HMOs in the area as it would still be made up predominantly of family homes. Thus, there is no dispute that the principle of the proposal is acceptable in policy terms, subject to other site-specific considerations being satisfied. Based on my own assessment, I find no reason to disagree.
10. The sole reason for refusal concerns one of these other considerations - the level of residential amenity future occupants would enjoy. In this regard saved UDP Policy DES7 says all development shall provide potential users with a satisfactory level of amenity, including space, sunlight, daylight, privacy, aspect and layout. Emerging LP Policy D5 has similar aims.
11. The Council's licensing team has reviewed the scheme and says it would fully comply with its HMO standards¹ with appropriate accommodation being provided. All the bedrooms would be laid out so that they could accept a single

¹ Salford City Council: Standards for Houses in Multiple Occupation – August 2021

or double bed, other necessary furniture, and some storage space. There would also be a communal kitchen, living/dining room and a utility room.

12. Notwithstanding this compliance with the physical standards, the Council says that even with the most basic level of furniture, bedrooms 2, 3 and 5 shown on the submitted plans would be cramped and difficult to use practically. It also says the small window serving bedroom 2 raises concerns over the level of light and outlook that would be provided. The minimum room sizes recommended in the Council's Standards for HMOs is 6.51sqm for single occupancy. All the rooms would exceed this size, with the three smallest (2, 3 and 5) measuring 6.9sqm, 7.6sqm and 7.7sqm. Although the window serving bedroom 2 is narrower than the others, it would still provide adequate light, ventilation and an outlook to the street. Although not part of the application details an indicative plan supplied as part of the appeal submission clearly shows that each bedroom would have space for at least a single bed, wardrobe and desk with some circulation space.
13. The Council's HMO standards offer guidance to landlords on the physical standards required for HMO licencing purposes, are not part of the development plan, and I accept that compliance with the Standards is just one of the material considerations to which regard must be given in the consideration of a planning application. However, I find no convincing evidence to demonstrate why the proposed level of amenity (and in particular the room sizes) would be inadequate, or sufficiently harmful to warrant planning permission being withheld. In the absence of detailed planning policies relating to this matter, I consider it reasonable to have regard to the HMO Guidance, as it is a Council document that has been prepared to ensure that HMOs adhere to acceptable living standards.
14. Overall, I conclude on this issue that the proposed development would provide acceptable living conditions for future occupiers. As such I find no conflict with saved UDP Policy DES7 and emerging LP Policy D5.

Other Matters

15. I have taken into account the representations from local residents and local Members which raise many concerns. Many of these refer to the site being located in an area of predominantly family dwellings, saying the introduction of a further HMO would give rise to possible issues of noise and disturbance, anti-social behaviour, non-integration of residents into the community, and poor standards of property maintenance by landlords. However, the proportion of HMOs in the locality is low, and the proposal would not significantly harm the character of the area or the Council's aims of maintaining balanced communities. The planning process cannot control who the residents of the HMO will be, and there is no reason to question why residents would be more or less likely to cause noise and disturbance or anti-social behaviour than individuals occupying a conventional dwelling.
16. Some residents say the proposal is driven by profit and question the appellant's intentions. However, it is not the role of the planning system to question the appellant's intentions or consider the motive for any particular development proposal.
17. Many residents say the proposal would add to parking stress in the area. However, based on the type of accommodation, car owners may not

necessarily occupy the units, and in any event the location is a sustainable one which is accessible to facilities and amenities. Any additional demand for parking is likely to be modest and capable of being absorbed into the surrounding streets.

18. In respect of the issue raised by residents concerning internal noise transfer, sound insulation between the proposed units and neighbouring properties would be required as part of separate approval required under the building control regime.
19. Taken together these all demonstrate a considerable level of feeling, and I have had full regard to all points raised in reaching my decision. Nonetheless, whilst I note these and other valid concerns, none is sufficient to alter the considerations that have led to my conclusion.

Conditions

20. I have considered the suggested conditions in the light of the tests in the *National Planning Policy Framework* (the Framework) and advice within the *Planning Practice Guidance*.
21. In addition to the standard time condition for commencement of development, a condition is needed to ensure that the development takes place in accordance with the approved plans, in order to provide certainty. For the same reason a condition is justified to clarify that the maximum number of occupants shall not exceed the number applied for. A condition requiring the submission and approval of secure cycle parking is needed in order to encourage more sustainable modes of travel. The appellant suggests that provision is made for 2 cycles rather than the 3 cycles proposed by the Council. I am satisfied that the lower figure is acceptable due to the highly accessible location near to bus stops and the town centre.

Conclusion

22. The Framework sets out three overarching objectives to achieving sustainable development. One of these, the social objective, seeks to support strong, vibrant, and healthy communities by ensuring that a sufficient number and range of home types is provided to meet the needs of present and future generations. The appeal proposal would play a part in meeting these objectives.
23. Overall, I conclude that the proposal would amount to an acceptable form of development that would satisfy the policies of the development plan and the Framework when taken as a whole. Therefore, for the reasons given above, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR