



Appeal Decision

Site visit made on 25 July 2022

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/W4223/W/22/3293893

6 Walter Street, Oldham OL1 1SQ

- 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 Ms Khan against the decision of Oldham Metropolitan Borough Council.
 - The application Ref FUL/347572/21 dated 1 September 2021, was refused by notice dated 13 December 2021.
 - The development proposed is change of use from function room to 3 bedroom HMO property.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council altered the description of the development, I consider the revised description to be a more accurate description of the appeal proposal, accordingly I have adopted the amended descriptions in the heading above.
3. The decision notice provided does not contain any reasons for refusal, nonetheless its clear from the Council's Application Report that they considered that the proposed development would not provide the future occupants of two of the bedrooms with an adequate standard of amenity, as a result of poor outlook from habitable rooms, and low levels of natural light. As such, the Council found that the development would fail to accord with the objectives of policies 9 and 11 of the Oldham Local Plan.

Main Issues

4. The main issue in this appeal is the effect the proposed development would have on the living conditions of future occupiers of the House in Multiple Occupation (HMO).

Reasons

5. The application site is located within Oldham Town Centre comprising a vacant two storey building. The proposed development seeks to change the use to a 3 bedroom HMO with kitchen facilities provided in two bedrooms. It appears from the plan provided that a shared kitchen would be available on the ground floor with access to the adjacent yard.

6. The Council have confirmed that the sizes of the rooms would be in excess of the Council's minimum standards for Houses in Multiple Occupation I have no substantive reason to disagree with the Council.
7. The ground and first floor bedrooms at the north end of the building would have a single window with views into the yard. I observed from my site visit that the yard is enclosed by predominantly two storey buildings and as such receives limited light the outlook from windows facing the yard would be limited. Shared space within the proposed HMO would be constrained with only the kitchen at ground floor providing communal space therefore it is reasonable to assume that the occupiers could use these bedrooms for prolonged periods.
8. The outlook from these bedroom windows would be poor. The adjacent property appears to share the limited yard space. Notwithstanding this the use of the shared external yard by future occupiers of the appeal site alone would compromise the privacy of the occupiers of the ground floor flat.
9. I find that the development would harm the living conditions of future occupiers of the HMO.
10. The proposed development would conflict with Policies 9 and 11 of the Oldham Local Development Framework, Development Plan Document – Joint Core Strategy and Development Management Policies (2011) which seeks, amongst things to protect the living conditions of the occupants of residential properties by ensuring adequate outlook, levels of natural light and privacy.
11. The Appellant has drawn my attention to an application at the appeal site for conversion of the building to flats in which windows on the east elevation were considered acceptable by the Council. I have not been provided with substantive evidence relating to this scheme to allow me to compare it to the proposal before me or to allow me to consider it as a reasonable fallback scheme, if it were approved and implementable. I therefore give this limited weight.
12. The Appellant contends that the only viable option for this site is use as some form of dwelling. Notwithstanding this I have not been presented with financial information nor with details that the scheme before me is the only option for a dwelling at the site, on this basis I give this limited weight.

Conclusion

13. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR