



Appeal Decision

Site visit made on 7 June 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/U4230/W/22/3292104

6 Lords Avenue, Salford M5 5HH

- 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 Gainprop Limited against the decision of Salford City Council.
 - The application Ref 21/78087/FUL, dated 12 July 2021, was refused by notice dated 1st December 2021.
 - The development proposed is change of use from single residential dwelling (Use Class C3) to small house of multiple occupation (HMO) (Use Class C4) together with the demolition of rear wall and the erection of a single storey rear extension, installation of front escape well, basement conversion and other associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal on the Council's Decision Notice refers to the proposal being contrary to Policy H10 of the Emerging Salford Local Plan (ELP). As noted in the Council Officer's Report, the weight given to policies in emerging plans will depend on a) the stage of preparation of the ELP; b) the extent to which there are unresolved objections to relevant policies, and c) the degree of consistency of relevant policies in the ELP to the policies in the National Planning Policy Framework (the Framework).
3. I am aware that the ELP is at a very advanced stage. I consider the broad aims and objectives of Policy H10, the emerging policy of most relevance to the appeal, to be broadly consistent with policies in the Framework. However, as I have not been provided with any details of whether, and if so to what extent, there are any unresolved objections to the policy I cannot give full weight to it at present.

Main Issues

4. The main issues are:
 - whether the proposal would result in an imbalance in the mix of dwellings in the area,
 - the effect of the proposal on the living conditions of occupiers of existing properties, with particular regard to noise and disturbance; and whether the proposal would provide satisfactory living conditions for future occupiers, and

- the effect of the proposal on the character of the area, community stability and social cohesion.

Reasons

Whether the proposal would result in an imbalance in the mix of dwellings in the area

Key current development plan policies

5. Saved Policy ST1 of the City of Salford Unitary Development Plan 2004-2016 (2006), (UDP), requires developments to contribute towards the creation and maintenance of sustainable urban neighbourhoods.
6. Saved Policy H1 of the UDP states, among other things, that all new housing development will be required to contribute towards the provision of a balanced mix of dwellings within the local area in terms of size, type, tenure, and affordability. Additionally, the policy states that in determining whether the proposed mix of dwellings is appropriate and acceptable, regard will be had to a range of factors, including the mix of dwellings in the surrounding area.
7. Paragraph 8 of the National Planning Policy Framework (the Framework) advises that, among other things, achieving 'sustainable development' and the social objective of supporting strong, vibrant, healthy communities, includes ensuring that a sufficient range of homes are provided.

Key emerging development plan policies

8. Policy H10 of the ELP seeks to carefully control conversions of existing houses into other types of residential uses, including HMOs, to ensure a good supply of houses is maintained within Salford and protect the positive character of neighbourhoods. The policy states that conversions to HMOs will only be permitted where it can be demonstrated that the proposal would not, either individually or cumulatively: a) have an unacceptable impact on the positive residential character of the surrounding neighbourhood, having regard to noise and disturbance, on-street car parking, waste management and population turnover levels that could reduce community stability; b) result in the infrastructure capacity of a site or local area being exceeded, and c) result in any house that is in use as a single dwelling being immediately adjacent¹ to more than one property in use as a HMO, student housing, hotel, guest house, residential institution, hostel, children's home (or similar use), or a non-residential use such as offices.

The site and surrounding area

9. The site consists of a two-storey dwelling with accommodation in the roof and a basement, currently comprising of seven bedrooms. There is a small, enclosed yard to the rear and a small, enclosed external area at the front.
10. The dwelling is located on the eastern side of Lords Avenue, a short street off Tootal Road, and consists of a short terrace of properties on either side of the street, both of which include properties that front Tootal Road, ie numbers 4 and 6; these 2 properties have a Tootal Road address. Therefore, there are 6 properties with a Lords Avenue address. There is a Health Care Centre and its

¹ The Policy states that 'immediately adjacent' properties include properties directly behind or opposite, as well as to either side.

associated car park located immediately north of the site; and its vehicle and pedestrian access is located at the head of the street. The site lies within the ward of Weaste and Seedley.

11. The surrounding area is primarily residential, though there is a small number of commercial units close to the site on Tootal Road, including a couple of shops, a pharmacy, a take-away and a barber's shop, all of which appear to have residential accommodation above. Most of the residential properties in the area are terraced. I agree with the appellant's observation that the character of the area includes diverse forms of residential accommodation, including single dwellings, blocks of flats and HMOs (in both C4 and *sui generis* use).
12. I note that the appeal property has recently been operating as a HMO and has a licence to do so until May 2024 (although the property was not occupied when I carried out my site visit). However, I understand the lawful use of the property to be Class C3 dwellinghouse. Indeed, the description of proposed development is to change the use from a C3 residential dwelling.
13. Therefore, from the evidence provided, of the existing 6 properties with a Lords Avenue address, only one is identified as being in use as a HMO, No. 1. However, No. 1 Lords Avenue is attached to No. 6 Tootal Road, which is also identified as a HMO. Furthermore, 2 properties opposite No. 6 Tootal Road are identified as having a HMO use, as are a further 2 properties west of these. Many of the properties on Weaste Road and Weaste Lane are identified as being in use as HMOs, including the 3 properties immediately to the rear of the application site. Additionally, the Council has identified that there are high concentrations of HMOs in the ward of Weaste and Seedley, particularly along Weaste Lane, as well as high concentrations of student dwellings.²
14. To justify applying the Article 4 Direction, which was introduced to prevent over-concentrations of HMOs in parts of the City, the Council drew upon evidence in a report produced by the Department for Communities and Local Government³ (DCLG), which identified a range of impacts that can result from high concentrations of HMOs, including: anti-social behaviour, noise and nuisance; imbalanced and unsustainable communities; negative impacts on the physical environment and streetscape; pressures upon parking provision; increased crime; growth in the private rented sector at the expense of owner occupation, and pressure upon local community facilities.
15. The appellant accepts that there is already a high concentration of HMOs in the area. However, the appellant is of the opinion that Lords Avenue has a different character to the surrounding main roads, and as such it is suggested that there is no relationship between the HMOs on the surrounding streets referred to and the appeal site. I disagree with this conclusion. To my mind Lords Avenue reads, when viewed 'on the ground' within the vicinity of the street, as part of the surrounding area. Indeed, the fact that numbers 4 and 6 Tootal Road form the ends of the terraces on Lords Avenue provides a direct link between Lords Avenue and Tootal Road. Additionally, Lords Avenue is only a short distance from the junction of Tootal Road, Liverpool St, Weaste Road and Weaste Lane. I consider all the properties surrounding this junction and within proximity of it read as forming part of the same area.

² Small houses in multiple occupation: evidence to justify the purpose and extent of an Article 4 Direction.

³ Evidence Gathering-Housing in Multiple Occupation and possible planning responses, 2008.

16. The proposal would introduce another HMO in an area where there is already a high concentration of HMOs, as well as a high concentration of student dwellings. The proposal would exacerbate this situation. I therefore conclude that the proposal would result in an over concentration of HMOs within the area. As such it would not contribute to a balanced mix of residential properties within the local area. On the contrary, it would erode the existing mix and result in the loss of a C3 dwellinghouse. Furthermore, I consider the resultant imbalance of the mix/range of residential tenures within the area would undermine the aim to maintain sustainable urban neighbourhoods.
17. Considering the above, the proposal does not accord with current development plan policies ST1 and H1 of the UDP, or paragraph 8 of the Framework.
18. I note the appellant's comments/views regarding Emerging Policy H10. As the proposed HMO would be adjacent to more than one other HMO the proposal would not accord with the policy as currently worded. However, as noted above, I have not attached full weight to the emerging policy. I have therefore determined the appeal primarily with regard to the existing development plan, concluding that the proposal does not accord with current development plan policies.

Effect of the proposal on living conditions of existing occupiers, and whether satisfactory living conditions would be provided for future occupiers

19. The Council consider that the proposal would result in unacceptable harm to the living conditions of occupiers of existing properties, in particular noise and disturbance, due to the cumulative effect of a resultant cluster of HMOs immediately surrounding the appeal property, should the appeal be allowed.
20. I accept the appellants contention that the proposal on its own, given key factors such as the immediate context of the site, an upgrade in sound insulation within the property and the use of a suitable property management plan and tenancy agreements, would likely ensure that, among other things, existing and future occupiers would not experience unacceptable levels of noise disturbance because of the proposal alone.
21. However, the DCLG report the Council drew upon to justify the implementation of the Article 4 Direction found that high concentrations of HMOs can have a detrimental impact on local housing areas, including noise disturbance due partly to the usual intensification of use.
22. Nevertheless, the appellant contends, which the Council has not refuted, that during the last 3 years when the property has been operating as a HMO and inhabited by up to 7 people, there have been no complaints raised regarding noise and disturbance.
23. Bearing the above factors in mind, I am not persuaded that in this instance the proposal would result in any additional noise and disturbance that would result in cumulative harm to occupiers of existing neighbouring properties. I am also satisfied that future occupiers of the proposed HMO would be provided with satisfactory living conditions.

Effect of the proposal on the character of the area, community stability and social cohesion

24. The Council's evidence to justify the implementation of the Article 4 Direction considered that HMOs often have a higher turnover of residents and therefore a more transient population.
25. The appellant has drawn my attention to the findings of a housing survey related to the private rented sector, produced by the Ministry of Housing, Communities & Local Government, in which it was apparently concluded that the average length of time a private sector tenant lives in the same house is between 3.9 to 4.1 years. The appellant suggests this is in line with their experience. I have not been provided with a copy of the report and therefore do not have the full details. The information provided suggests that the figures relate to the private rented sector as a whole. Hence, no figures have been provided specifically regarding the average length of time HMO tenants live in the same house for. I consider the evidence presented is not conclusive regarding occupancy periods of tenants living in HMOs. Consequently, I cannot attach significant weight to the information.
26. Regardless, I have found that, due to the introduction of an additional HMO the proposal would result in an over concentration of HMOs in the local area. As such, the proposal would not contribute to a balanced mix of residential properties in the area. Additionally, there would be a loss of a single C3 dwellinghouse. As noted, the character of the area includes diverse forms of residential accommodation. An over concentration of HMOs and the loss of a single C3 dwellinghouse would therefore erode the existing character. I therefore conclude that the proposal would harm the character of the area.
27. Additionally, I have found that the proposal would not contribute to a balanced mix of residential properties within the local area and that the resultant imbalance of the mix/range of residential tenures within the area would undermine the aim to maintain sustainable urban neighbourhoods. For these reasons I conclude that the proposal would undermine community stability and social cohesion.

Other considerations, planning balance and conclusion

28. The proposal would provide an important source of affordable accommodation and contribute to the Government's objective of boosting the supply of homes. The Framework advises that small sites make an important contribution to an area's housing needs and that Local Planning Authorities should support windfall sites, to support provision of a good mix of housing. Additionally, the Framework advises that great weight should be given to the benefits of suitable sites within settlement boundaries and that planning decisions should promote effective use of land.
29. However, I have not been provided with any evidence that the Council do not have a sufficient supply of land to meet the housing needs of the area, including any affordable accommodation required. Although the site is within a settlement, I have found that the proposal would cause harm, as such I conclude that the site is not a "suitable" site for the proposal.
30. Although the site is located within proximity of a range of services and facilities and public transport options, the external alterations would not harm the character or appearance of the area, the internal space standards are acceptable and there would be no highway safety issues, these are matters

that are required to be met by local and national planning policies. As such, they do not acquire any additional weight in support of the proposal.

31. Therefore, notwithstanding my conclusions regarding the effect of the proposal on the living conditions of existing occupiers and whether the proposal would provide satisfactory living conditions for future occupiers, I consider the other considerations outlined do not outweigh the harm I have found with regard to the resultant over concentration of HMOs in the local area, which would result in an imbalance of the mix of residential accommodation within the area, which would undermine community stability and social cohesion.
32. The proposal would therefore not contribute to creating or maintaining sustainable, balanced communities, contrary to relevant development plan policies. I consider that there are no other considerations, including the Framework, that lead me to conclude other than in accordance with the development plan. For the reasons outlined, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR