



Appeal Decision

Site visit made on 7 September 2022

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/B4215/W/22/3296860

13 Vaughan Avenue, Manchester, M40 9LE

- 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 Zvi Portnoy (Weaste Properties Limited) against the decision of Manchester City Council.
 - The application Ref 132315/FO/2021, dated 24 November 2021, was refused by notice dated 23 February 2022.
 - The development proposed is change of use from Use Class C3 (Dwellinghouse) to Use Class C4 (House in Multiple Occupation) and erection of a two-storey extension to rear and side of existing property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposed intensification of use on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance, waste generation and parking, and
 - ii) the effect of the proposal on the mix and balance of housing in the area, with particular regard to the supply of family housing.

Reasons

Living conditions

3. The appeal site is located within a densely built-up residential area of north Manchester. Terraced housing is the predominant form of development, but there is a wider mix of housing in the area. Vaughan Avenue is a quiet residential street, with semi-detached houses on one side and a care home on the other.
4. The appeal property, 13 Vaughan Avenue (No. 13) is a modest sized 3-bed semi, which would comfortably accommodate a family of 4. The proposed development would provide 5 bedrooms, although conversion to a small HMO under Use Class C4 would allow up to 6 people to share the property as their main residence.
5. Assuming it was fully occupied for most of the time, the number of people living in the proposed HMO could well be higher than if the property was

occupied by a family, meaning higher overall activity levels associated with the property. Furthermore, the proposed occupation by unrelated adults is likely to involve different patterns of activity from that of a single family, with the potential for of increased comings and goings involving different people, at different times of the day, and possibly the night too.

6. Whilst there is no particular reason to suggest that future tenants of the HMO would be any less considerate towards neighbours than a family, higher levels of activity associated with the HMO could result in increased disturbance to nearby residents. Noise from music, people talking loudly, and vehicle movements all have the potential to cause disturbance. This impact could occur from activity both inside and outside of the property, and I note comments from the occupiers of the adjoining semi about poor sound insulation between the houses.
7. A particular concern stems from the close proximity of the appeal site to the sheltered housing development of Dunstan Court, part of which is directly across the narrow road from the appeal site and contains a number of flats facing towards No. 13. Dunstan Court is home to vulnerable elderly people, who may be particularly sensitive to increased noise and disturbance from different groups of people, which may be associated with the HMO.
8. Furthermore, the manager of Dunstan Court has raised concerns that some residents are afraid to go out due to concerns about crime and behaviour in the area. Tenants of the proposed HMO may well be courteous and law abiding, but nonetheless, the move towards a less settled and more transient population, with unfamiliar people around, could add to existing anxieties amongst the care home population.
9. Vaughan Avenue is a narrow street with space for on-street parking along one side of the road, and a small car park associated with Dunstan Court. The proposal would provide 2 off-street parking spaces at the front of the house. If more than 2 occupiers of the proposed HMO had a car, they would therefore need to find space to park on the street.
10. At the time of my site visit, in the middle of a weekday, there were places to park on Vaughan Avenue, but this was only a snapshot in time. Local residents, the manager of Dunstan Court and the Council's highways officer have all commented about the existing pressure for parking in the area, and the difficulties this causes. The appellant's parking survey provides further evidence of the high demand for spaces, showing that, for the night of the survey, on-street parking along Vaughan Avenue was above capacity.
11. I acknowledge that HMOs are a low cost form of accommodation, and it is likely that occupiers would have low levels of car ownership. This area has good access to local services and facilities, so prospective tenants could rely on alternative modes of transport. The proposals include a covered cycle store which would assist in this respect.
12. That said, levels of car ownership amongst residents cannot be predicted, and there may well be times when more than 2 occupiers have a car. If that were the case, the proposal would increase the existing pressure for parking on Vaughan Avenue. I acknowledge that the parking survey found spaces available in nearby streets, but if residents and occupiers of the proposed HMO all to try and park as close to their home as possible, increased competition for

parking spaces would result. This could lead to tensions between residents, as well as inappropriate parking.

13. In order to provide two off street parking spaces, it would be necessary to remove part of the front boundary wall, which would further reduce the amount of on-street parking. However, as many of the properties along the street use the space at the front of their houses for parking, the loss of garden space would not cause significant harm to the character and appearance of the area.
14. The level of waste generation for the proposed HMO may be somewhat higher than that of a single family, but adequate provision would be made for bin storage in an appropriate location at the side of the property. I have no reason to suppose that waste generation would cause undue harm to the living conditions of neighbouring occupiers.
15. Overall, taking account of the existing characteristics of the street and immediately surrounding area, and the close proximity to a home for vulnerable elderly people, I conclude that the proposed intensification of use would cause harm to the living conditions of neighbouring occupiers in respect of noise and disturbance. Further harm could result from increased pressure on parking in the area. The proposal would therefore conflict with Core Strategy Policy DM1, which requires that new development has regard to effects on amenity and car parking.

Housing mix and balance

16. Policy H3 of the Manchester Core Strategy 2012 (Core Strategy) sets out requirements for new housing development in North Manchester, giving priority to family housing and other high value, high quality development. This reflects the findings of the Housing Need and Demand Assessment 2010, which identifies a need for 3-4 bed family housing in the area. This study is now some years old, but it is apparent from the Council's Housing and Residential Growth team's comments that there are currently very significant shortfalls in the availability of family sized homes across the city. Whilst their comments are based on information about the supply of social housing, there will inevitably be a relationship between the availability of family homes for sale or rent in the private sector, and the demand for social housing.
17. It is clear from the Council's comments that a shortage of family sized housing across the city is causing significant problems and hardship, and Policy H3 seeks to increase the supply of such properties to meet additional needs and prevent further shortages. The proposed loss of a family home would undermine these efforts, but only by a small amount. Whilst this does count against the scheme, the effect of the loss of a single home on the overall mix and balance of housing in the area would be limited. In this respect there would be no clear conflict with Policy H3, which does not preclude the loss of family homes.
18. Both parties have directed me to other appeal decisions which express differing views on the effect of various developments around Manchester on housing mix and balance. All are slightly different, and I have come to a view based on the particular characteristics of this case and the surrounding area.
19. Core Strategy Policy H11 is concerned specifically with changes of use to houses in multiple occupancy. To prevent problems which can occur in areas

with large numbers of HMOs, the policy sets out different approaches for different parts of the city, depending on the extent to which HMOs are already concentrated. In this case, the parties agree that the site is located in an area which does not currently have a high concentration of HMOs or student housing. This view is consistent with my observations of the surrounding area, where I saw little evidence of properties being in multiple occupancy, or having been subdivided.

20. The fourth paragraph of Policy H11 restricts changes of use of family homes to HMOs in areas of low concentration. However, this only applies in areas where a lack of family housing has threatened the sustainability of communities to such an extent that action has been taken to increase the supply of such homes. I have been provided with no information about such regeneration activity in this area. Based on evidence before me, the fourth paragraph of Policy H11 does not apply to the appeal site.
21. Notwithstanding that, Policy H11 also states that proposals for changes of use of existing properties to HMOs would only be permitted where they would provide accommodation of a high standard and where it would not materially harm the character of the area. Policy H3 also seeks to ensure that new housing is of a high quality.
22. I note the appellant's comments that the proposal would involve the renovation of the property, including a new roof, windows and bathrooms, which would improve its quality. However, the house does not appear to be in a particularly poor state of repair, and these improvements could be carried out if it remained as a family home.
23. In order to create the additional space required to accommodate 5 bedrooms, a large two storey rear and side extension is proposed. Whilst the Council has raised no objection to the design or scale of the extension, it would represent a significant increase in floorspace of this modest sized house. The submitted floorplans show that, even with the large extension, the proposed bedrooms would be of an adequate size, but the shared living/dining area would be very small.
24. Overall, and in light of my findings in relation to living conditions, I am not persuaded that the scheme would represent a high quality development.
25. I conclude that the proposed loss of a single family home would have little effect on the overall housing mix and balance of the area. However, the proposal would not represent high quality development, and so would conflict with Policies SP1, H11 and H3.

Conclusion

26. For the reasons set out, the proposal would not comply with the development plan as a whole, and no other material considerations outweigh this finding. The appeal is therefore dismissed.

R Morgan

INSPECTOR