



Appeal Decision

Site visit made on 6 September 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th October 2022

Appeal Ref: APP/B4215/W/22/3300081

69 Brynorne Road, Manchester M8 4GW

- 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 Marko Mandic against the decision of Manchester City Council.
 - The application Ref 133455/FO/2022, dated 6 April 2022, was refused by notice dated 13 May 2022.
 - The development proposed is described as 'conversion of single dwelling (C3) to 6 Bed HMO (C4)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form, which is different to that in the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The mix and balance of housing, with particular regard to the supply of family-sized dwellings in the area; and
 - Living conditions of the occupiers of surrounding dwellings in respect of noise and disturbance, waste generation and the availability of car parking.

Reasons

Mix and balance of housing

4. The appeal property is an extended end terraced property that lies to the north of the city centre. It is located within an 'Inner Area' defined as the North Manchester Regeneration Area (NMRA), as shown on the key diagram in Policy SP1 of Manchester's Core Strategy 2012 to 2027 (CS). I have been provided with a copy of an Article 4 Direction in place for this area that removes permitted development rights so that planning permission is required to change from a C3 dwellinghouse to a C4 house in multiple occupation (HMO).
5. Policy H3 of the CS relates to the NMRA and states that the emphasis will be on increasing the availability of family housing and other high value, high quality

development where this can be sustained. The justification text for this policy promotes the need to encourage a mixed and diverse community by retaining or attracting economically active households. The Housing Need and Demand Assessment 2010 (HNDA) referred to in this policy indicates a need for, amongst other types, 3-4 bed family housing.

6. As part of measures to resist the loss of family housing, Policy H11 seeks to manage changes of use from C3 dwellings to C4 HMO's. It states that in parts of Manchester which do not have a high concentration of HMO/student housing, 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 changes of use which would result in the loss of a dwelling which is suitable for a family, defined in the supporting text as is a dwelling with 3 or more bedrooms.
7. Even if the appeal site were located in an area where regeneration activity does not appear to be focussed specifically with the intention of increasing family housing, this policy allows for change of use from a C3 dwellinghouse to C4 house in multiple occupation (HMO) (in areas where HMO concentrations are low) only where it can be demonstrated that there is no reasonable demand for the property as a C3 dwellinghouse.
8. The submitted plans show the extended property currently has 5 bedrooms, albeit one of the bedrooms is extremely small, off-street parking and private amenity space to the rear. The appeal property is therefore a dwelling suitable for a family and the proposal would see the loss of such.
9. The appellant submits that there are only 6 licensed HMO's in the M8 area. It is put to me that the current mix and balance of housing for single person accommodation is unacceptably low and non-inclusive for single working professionals, therefore the introduction of an HMO in the area will enhance the community and provide affordable accommodation for single occupants.
10. The Council do not dispute the low concentration of HMO's in the area and I have no reason to disagree. However, the loss of a family house would conflict with the aspiration of the Council to increase the amount of family housing stock advocated in Policy H3 as well as undermine regeneration objectives and increase the threat of existing families moving out of the area or being attracted to the area due to a shortage of appropriate accommodation.
11. I recognise the proposal would introduce an HMO in an area of low concentration of such accommodation, thereby providing additional choice and mix of housing in the area. In this regard, the appellant has provided FOI responses from local hospitals to demonstrate the current lack of accommodation for hospital staff. Whilst I acknowledge the close proximity of the site to North Manchester General Hospital, amongst other nearby hospitals, I have no evidence that the proposal would or could be controlled to be specifically provided to key workers or that the hospital trusts support the proposal. Therefore, I attach limited weight to this argument.
12. The Council explain that demand for large social housing far outstrips supply in Manchester. I have been presented with evidence from the Manchester Housing Register, as of May 2022, which identifies more than 1,000 people are on the waiting list for large family housing over 3 bedrooms. It has been confirmed by

the Council that these people are in the higher priority band of urgent need of rehousing and this figure has risen over the last year, with supply of appropriate properties significantly less, so much so that the Council and social landlord partners are having to buy larger houses on the open market in order to house families who have been made homeless or are living in temporary accommodation. Consequently, even if there is a low concentration of HMOs in the area, I consider it insufficient reason to allow a property to become an HMO, when balanced against the clear policy direction to restrict the loss of such dwellings.

13. Moreover, Policy H11 also requires demonstration of there being no 'reasonable demand' for family housing. The supporting text states reasonable demand would be demonstrated by a period of at least six months on the market at a reasonable price or rental level or other compelling market evidence. I have no evidence that marketing of the appeal property for sale or rent has been undertaken. Therefore, I am not satisfied that there is no demand for the property as a family dwelling, for either sale or rent.
14. The proposal would therefore undermine the mix and balance of housing, with particular regard to the supply of family-sized dwellings in the area. Accordingly, the proposal would be contrary to CS Policies SP1, H3 and H11 whose aims are already outlined above.

Living conditions of nearby residents

15. The appeal property has been previously extended to accommodate a reasonable sized kitchen and dining area and includes a bedroom on the ground floor with four bedrooms on the first floor. The proposed development would introduce minimal alterations to this arrangement and would be likely to be occupied by 6 unrelated occupants. As a C3 dwelling, occupancy by a single family could be to a greater or lesser extent.
16. However, although it cannot be assumed that the HMO would not be well managed or that the behaviour of individual occupiers would be unacceptable, as occupiers having less interdependency and therefore a greater propensity for independent activity, the use by unrelated occupiers is likely to create greater levels of coming and going. This would include that associated with visitors to those individuals. Furthermore, occupancy as an HMO is usually limited to adults whereupon the regularity of activity extending later into the evenings is likely to be greater than a family dwelling.
17. Notwithstanding the above, the property is located on a corner plot with a rear and small side garden area which would accommodate ample outdoor amenity space and space for cycle storage. The party wall with 71 Brynorne Road would contain a stairway and bathroom rather than living areas. Consequently, the HMO would be reasonably spacious, and not intensively occupied when limited to six residents, which could be conditioned were the appeal to be allowed. I have set out above that there is not an existing concentration of HMOs in the area. As a result, I am satisfied that the proposal would not inherently harm the living conditions of neighbours.
18. On my site visit I saw that some of the terraced houses along Brynorne Road do not have off-street parking and properties at the end of Answell Avenue have pedestrian-only frontages. I noted that there was very little parking space along Answell Avenue, although Brynorne Road was not heavily parked and

there were no parking restrictions nearby. However, I recognise that would be a snapshot in time and that the situation may change in the more competitive evening and weekend times.

19. Nonetheless, I noted that two cars would be able to park off-street at the appeal site in a diagonal arrangement, which would allow space for occupants to pass with bins. The proposal would have a similar number of occupants as a family house. The site is accessible by sustainable modes and is in close proximity to public transport facilities including bus and tram. In addition, provision for cycle parking is indicated on the submitted plans. No substantive evidence, by way of a car parking survey or standards, has been provided by either party. In the absence of the evidence before me, I am unable to conclude that the proposed HMO, when fully occupied, would exacerbate lack of on-street parking provision in the area to a significant extent.
20. Waste generation and management would not be significantly different to that of a large family dwelling and adequate storage space would be provided along the side of the property.
21. The proposal would not harm the living conditions of occupiers of surrounding dwellings in respect of noise and disturbance, waste generation and the availability of car parking. I therefore find no conflict with the requirements of Policy SP1, Policy H11 and Policy DM1 of the CS which seek, amongst other things, that proposals for change of use of existing properties into houses in multiple occupation should be permitted only where the accommodation to be provided is of a high standard, has regard to the character of the area, noise, refuse storage and collection and car parking.

Conclusion

22. Whilst I find no harm to the living conditions of the occupiers of neighbouring properties, for the reasons given above, the proposal would result in the loss of a family dwelling. The proposed development therefore conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Accordingly, the appeal is dismissed.

A Veevers

INSPECTOR