



Appeal Decision

Site visit made on 20 September 2022

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

an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal Ref: APP/U4230/W/22/3296830

1 Elsham Drive, Worsley M28 0RU

- 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 Chris Smith of House Share 4U Limited, against the decision of Salford City Council.
 - The application Ref 21/78157/FUL, dated 23 July 2021, was refused by notice dated 19 November 2021.
 - The development proposed is change of use from single family dwellinghouse to 7 bed HMO and conversion of garage into additional habitable space with associated alterations to front and side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from single family dwelling house to 7 bed HMO and conversion of garage into additional habitable space with associated alterations to front and side elevation at 1 Elsham Drive, Manchester M28 0RU in accordance with the terms of the application, Ref 21/78157/FUL, dated 23 July 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
HM Land Registry site location plan, Drawing 100 Rev A and Drawing M280RU-01-002 Rev P3
 - 3) Prior to occupation of the development hereby permitted, the window in the first-floor side elevation of Bedroom 7, as shown on Drawing M280RU-01-002 Rev P3, shall be fitted with, and permanently glazed, in textured glass whose obscuration level is at least 3 on the Pilkington scale of 1-5 (where 1 is clear and 5 is completely obscure). No part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened and the window shall be retained as such thereafter.
 - 4) Prior to occupation of the development hereby permitted, details of secure bicycle parking for at least 4 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle parking shall be implemented and made available for its intended use prior to occupation by the seventh resident and shall thereafter be kept available at all times for the parking of bicycles.

- 5) Prior to occupation of the development hereby permitted, details of bin storage shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage shall be implemented and made available for its intended use prior to occupation by the seventh resident and shall thereafter be kept available at all times for the storage of waste.
- 6) The HMO hereby permitted shall not be occupied by more than seven residents.

Preliminary Matters

2. At the time of my site visit, the external alterations as shown on the submitted plans had been completed. The submitted appeal documentation also confirms that the property is now occupied as a 6 bedroom house in multiple occupation (HMO), although that is not before me to determine. The proposal before me is for a change of use from a single dwellinghouse (Class C3) to a 7 bed HMO (*sui generis*). Accordingly, I have determined the appeal on that basis.
3. The reason for refusal on the Council's Decision Notice refers to the proposal being contrary to Policy H10 of the emerging Publication Salford Local Plan (ELP). 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 Framework¹.
4. 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. I have not been provided with specific details of whether, and if so to what extent, there are any unresolved objections to the policy, although I do consider it to be of considerable weight.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character of the area; and
 - The living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance, on-street parking and waste management.

Reasons

Character

6. Policy H10 of the ELP specifically refers to the control of conversions and change of use of existing houses to, amongst other types of accommodation, HMOs, in order to ensure that a good supply and mix of housing opportunities is maintained across the city as well as to protect the positive character of neighbourhoods.
7. The map extract provided within the Council's Officer report indicates there are no other registered HMOs in the locality. The proposal would not therefore result in an over-concentration of HMOs in the area. I have not been referred to any other defined threshold to assess when a local over-concentration

¹ National Planning Policy Framework

occurs. Therefore, from my observations and the evidence provided, the proposed HMO would represent a small proportion of the overall properties in the vicinity. Although the property is located within a cul-de-sac, it is large and detached. The area would remain predominantly residential in character.

8. Concerns have been raised that the proposal would lead to an increased fear of crime and unneighbourly behaviour in the area, particularly as the appeal site is located in a quiet cul-de-sac and in close proximity to a school. Whilst I recognise that an HMO is a different type of accommodation to a C3 dwellinghouse, and the turnover of occupiers could be more frequent in an HMO than that of a family dwelling, I have no indication that this would be significantly different to other rented properties in the area or that its occupants would be any more or less likely to engage in unneighbourly behaviour.
9. I have been presented with no substantial evidence to demonstrate that the proposal, in the context of the above, would lead to an imbalance in the mix of housing or the character of the area.
10. Moreover, the shared use of a property would provide an important source of affordable accommodation and contribute to the Council's objective of providing additional choice and mix of housing opportunities in the area.
11. I therefore find that the proposal would not harm the character of the surrounding area. The proposal would be in accordance with Policy H10 of the ELP and saved Policy H1 City of Salford Unitary Development Plan 2004-2016 (2006) (UDP) which states that, amongst other things, 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.

Living conditions

12. Policy H10 of the ELP states conversions to HMOs will only be permitted where, amongst other things, it can be demonstrated that the proposal would not, either individually or cumulatively, 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.
13. The potential for noise and disturbance exists from both occupiers of HMOs and from C3 housing. The appeal property could be used as a dwelling to accommodate a reasonably large family that could consist of adults, children and teenagers. Such a family could generate considerable activity in the form of comings and goings for work, leisure, shopping etc. The occupants of the proposed HMO would be likely to live independently of one another, which is often different to occupation as a single dwelling house and could result in increased activity at the property. However, the property could be occupied as a 6 bedroom HMO without the need for planning permission.
14. I find the level of activity generated by the occupants would not be significantly noticeable having regard to the size and detached nature of the property along with its location at the entrance to the cul-de-sac with the main access facing Elsham Drive and the spacing between neighbouring properties. Furthermore, I

note the Council's Environmental Consultant has not raised any objections to the proposal in terms of noise.

15. At the time of my site visit, which I acknowledge is a snapshot in time, there was capacity for on-street parking in the vicinity of the appeal site. I noted 3 vehicles parked off-street at the front of the appeal property, although one vehicle overhung the footway slightly. Nonetheless, it would clearly be possible to park 2 vehicles off-street.
16. However, it is reasonable to assume on-street parking demands in the locality will increase at peak times when more people are at home. Elsham Drive also leads through to an area of open space adjacent to a primary school and it is likely to be used frequently by pedestrians and cyclists. Nevertheless, there are no parking restrictions in place in the area and although the appeal property is located close to the junction with Mere Fold, traffic speed would be low at the junction into the cul-de-sac. It would be possible for drivers to park in relatively close proximity to the appeal site should the need arise, without causing an obstruction. In addition, most of the properties close to the appeal site have off-road parking.
17. I note that the site is highly accessible, close to Walkden town centre, bus stops and a train station providing access to the city centre. I also note the Council's highway team advise that car ownership for HMO's in the area is low and have raised no objection to the proposal, subject to the provision of secure cycle facilities at the site. As alternative means to travel other than by private car are available close by, I consider it is likely that fewer cars would be associated with the proposed development.
18. The appeal site is of sufficient size to provide secure larger bin storage at the side or rear of the building, out of public view, but with a route through to the front on collection days and this is conditioned. There is no evidence to indicate that the occupiers of the appeal site, as opposed to occupiers of any other dwelling in the area, would leave the bins out for prolonged periods. I therefore find the facilities available for the management of waste at the appeal site to be acceptable.
19. The proposal would not have an unacceptable effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance, on-street parking and waste management. I therefore find that the proposal would comply with the requirements of Policy H10 of the ELP which seeks to control, amongst other development, the number of HMOs within an area and their effect upon the surrounding neighbourhood.

Other Matters

20. There is a fence along the side boundaries of the appeal site that would prevent overlooking towards the neighbouring properties from any new or enlarged windows and the first-floor side window would be fitted with obscure glazing. The conversion of the garage is consistent with other examples in the area and would not harm the overall appearance of the property.
21. The appeal site would be of sufficient size to accommodate 7 occupants, as confirmed by the Council's Housing Standards and Licensing Regulatory Services team. It would also include a useable and adequately sized rear private garden. The property is already occupied, and could be occupied by a

large family, therefore there would be no additional effect on the sewage system.

22. Limited details of a local HMO currently being investigated have been provided; however, there is no substantial evidence before me to demonstrate that the appeal proposal would give rise to such harmful impacts.
23. The reasoning behind the submission of the planning application, the Council's handling of the application and the effect on house prices would be separate to and do not affect my findings on the planning merits of the scheme.
24. Furthermore, as I have found that the development will not cause harm, granting of permission would not create a precedent for other development that would be harmful.

Conditions

25. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and paragraph 56 of the Framework. Along with the standard time limit, a plans condition is imposed in the interest of certainty. Obscure glazing to the first-floor side window is required to protect neighbouring privacy. Although I acknowledge that the property is currently in use as an HMO, in allowing this appeal, which would be for a 7 bed HMO, details of cycle parking are required to ensure future occupiers are encouraged to travel sustainably and details of bin storage are required to ensure waste is kept within the confines of the property. The number of residents is limited to a maximum of 7 to regulate the effect of the proposal on the living conditions of neighbouring properties and parking generation.

Conclusion

26. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Veevers

INSPECTOR