



Appeal Decision

Site visit made on 30 August 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/Q4245/W/22/3298714

90 Moss Vale Road, Stretford M41 0QH

- 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 Aamer Shah against the decision of Trafford Council.
 - The application Ref 106393/FUL/21, dated 1 February 2022, was refused by notice dated 19 April 2022.
 - The development proposed is change of use from a C3 6 bed residential dwelling to a 8 bed Sui Generis HMO.
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Decision

1. The appeal is allowed, and planning permission is granted for the change of use from a C3 6 bed residential dwelling to a 8 bed Sui Generis HMO at 90 Moss Vale Road, Stretford, M41 0QH in accordance with the terms of the application 106393/FUL/21, dated 1 February 2022, subject to the conditions set out in the schedule below.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of adjoining and neighbouring properties, with regard to noise and disturbance.

Reasons

3. The appeal property is located in a residential street and is attached to 92 Moss Vale Road. As a pair of semi-detached properties, sharing a party wall, the two properties have a sensitive relationship to one another. The appeal property has been substantially extended, providing 6 bedrooms.
4. The existing floorplan shows 3 bedrooms adjacent to the party wall; 2 on the first floor and 1 on the attic floor. The proposal is for 8 bedrooms and would result in an extra 2 bedrooms next to the party wall, owing to the conversion of the ground floor living and dining rooms to bedrooms. A large communal kitchen/dining area and sizeable living room would be provided, alongside an office/storage room.
5. I note that sound proofing has already been carried out during the works to extend the property and would be required through building regulations to change the ground floor rooms into bedrooms. Moreover, a management plan has been submitted and the Council's environmental protection officer had no objection to the proposal.
6. While the proposal would result in more bedrooms adjacent to the party wall than would normally be expected, and it may well be that bedrooms in a house

in multiple occupation (HMO) are likely to be used more intensively than those in a dwelling, I am mindful that the proposal includes significant communal space. It would be reasonable to assume that this communal space would be utilised for day-to-day activities, and as such the occupants would not be forced to spend all of their time in their private rooms.

7. Given the proposed communal space and the management plan, the Council or third parties have not provided any substantive evidence to demonstrate that the change of use to HMO would have unacceptable noise levels for the occupants of 92 Moss Vale Road.
8. The Council also raise concerns about the effect of noise and disturbance for the occupants of neighbouring properties in the area. The Houses in Multiple Occupation –Supplementary Planning Document SPD6 (2018) advises that large numbers of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community. In seeking to prevent the development of excessive concentrations of HMOs, it advises that permission will not normally be granted where the proportion of HMOs exceeds 10%. The Council's officer report confirms that there are no existing HMOs within a 40m radius of the appeal site.
9. I accept that the occupiers of an HMO are likely to lead independent lives from one another, and that families occupying a single dwelling, are more likely to carry out day to day activities together as a household. However, taking account of the size of the appeal property, it could be occupied by a large family with adults/teenagers, living largely independently. Therefore, any noise and disturbance that might result from the HMO in the wider area for neighbouring occupants would be unlikely to be significantly different to that arising from one large household that could occupy the property. In this regard the proposal would remain in keeping with the residential nature of the area.
10. For the reasons set out above, the proposal would not harm the living conditions of the occupiers of adjoining and neighbouring properties, with regard to noise and disturbance and accords with Policy L7 of the Trafford Local Plan: Core Strategy (2012). This policy, amongst other things, seeks development that is compatible with the surrounding area and does not prejudice the amenity of the occupants of adjacent properties by reason of noise and/or disturbance.

Other Matters

11. There are a number of objections to the proposal however I note that several of the matters raised relate to the existing extensions and alterations at the appeal site. These have been granted under another permission or are permitted development and, as such, are not directly relevant to the particular circumstances of this appeal. It is also suggested that the proposal would reduce the value of properties in the area. However, these are private matters, that, unlike the effects flowing from the use of land, have not, in themselves influenced my decision.
12. Concern has been raised regarding highway safety and parking. The site is adjacent to a mini roundabout, and I understand it is a busy school route. I note that the local highway authority is content regarding these matters, moreover, the Council's officer report confirms that adequate parking at the property can be secured by condition.

13. I have had regard to other matters raised including concerns in relation to; the living conditions of the future occupants of the HMO, the property size, loss of privacy and visual intrusion for neighbours, concern that building waste and pollution will cause a nuisance, potential crime and transient occupants. The Council in the officer report have confirmed that the proposal is acceptable with regard to these matters and I have no reason to disagree with their findings.

Conditions

14. I have made some revisions to the Council's suggested conditions in the interests of certainty. In addition to the standard condition that limits the lifespan of the planning permission it is necessary to attach a condition identifying the approved plans for clarity. While not all aspects of the submitted management plan may be enforceable, some are and as such a condition requiring the proposal to be carried out in accordance with it is necessary and reasonable to address potential areas of friction between the occupants and neighbours. A condition restricting the number of residents to 8 is also necessary to regulate the overall effect of the proposal for the occupiers of adjoining and neighbouring properties.
15. A condition requiring external materials to match the existing building is reasonable and necessary to protect the character and appearance of the area. In order to ensure that refuse facilities are adequate and to ensure refuse is stored in a tidy manner, a condition requiring the provision of bins prior to occupation is necessary. It is also necessary for car parking to be made available prior to occupation and retained in use in the interest of highway safety, and to ensure cycle storage is implemented prior to occupation, in order to encourage sustainable modes of transport.

Conclusion

16. For the reasons given above I conclude that the proposal accords with the development plan. Material considerations have not been shown to carry sufficient weight as to indicate a decision otherwise than in accordance with it. Therefore, the appeal is allowed.

F Harrison

INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than three years beginning with the date of this permission.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on plan numbers; HAD3359-01, HAD3359-08 REV B and HAD3359-06 REV A.
- 3) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building.
- 4) Prior to the occupation of the development hereby permitted, the bins as shown on the approved plans shall be installed and made available for use and shall be retained as such thereafter.
- 5) Prior to the occupation of the development hereby permitted, the car parking shown on the approved plans to serve the development shall be provided and made fully available to future residents of the development and shall be retained thereafter for their intended purpose
- 6) Prior to the occupation of the development hereby permitted, a scheme for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained thereafter at all times.
- 7) The development hereby permitted shall not be operated except in complete accordance with the submitted management plan, dated May 2021.
- 8) The development hereby permitted shall be operated so that no more than 8 permanent residents occupy the property at any one time.

*****End of Conditions*****