



Appeal Decision

Site visit made on 7 November 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2022

Appeal Ref: APP/U4230/W/22/3304278

135 Highfield Road, Salford M6 5RT

- 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 Harry Pettener of Sandstone UK Ltd against the decision of Salford City Council.
 - The application Ref 22/79816/COU, dated 21 April 2022, was refused by notice dated 20 June 2022.
 - The development proposed is change of Use from single dwelling (Class C3) to HMO for 4 occupants (Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of Use from single dwelling (Class C3) to HMO for 4 occupants (Class C4) at 135 Highfield Road, Salford M6 5RT in accordance with the terms of the application, Ref 22/79816/COU, dated 21 April 2022, 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: 2022/RESI-188 Existing General Arrangement Layout; 2022/RESI-188 Proposed General Arrangement Layouts and 2022/RESI-188 Site and Location Plans.
 - 3) Notwithstanding any details shown on the drawings hereby approved, prior to the first occupation of the use hereby permitted, full details of a cycle store with capacity for 4 cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be installed and made available for use prior to first occupation of the development in accordance with the approved details and retained thereafter.

Preliminary Matters

2. The reason for refusal on the Council's Decision Notice refers to the proposal being contrary to the emerging Salford Local Plan (ELP) Policy H10. The Council has confirmed it received the Inspector's report concluding that the plan as modified meets the requirements of Section 20(5)(a) of the 2004 Planning and Compulsory Purchase Act and meets the tests of soundness as set out in paragraph 35 of the National Planning Policy Framework (the Framework).
3. Paragraph 48 of the Framework sets out how weight may be given to emerging plans when taking decisions. Given the extremely advanced stage of the ELP, I attach significant, but not full weight, to this policy. The adopted development

plan is the City of Salford Unitary Development Plan 2004-2016 adopted June 2006 (UDP).

4. I have used the description of development from the appeal form and Council's decision notice, rather than that on the application form as it more accurately describes the development.

Main Issues

5. The main issues are the effect of the proposal on:

- the character of the area, community stability and social cohesion; and
- the living conditions of surrounding residents with particular regard to noise and disturbance.

Reasons

Character, community stability and social cohesion

6. The appeal site is an end terrace property on the junction of Highfield Road and Wall Street and the front door sits on this corner. To the rear of the property is a gated alleyway which appeared to be a well-used and maintained communal space. The area is clearly residential in character, although there is a shop to rear of the property and a park on the opposite side of Highfield Road.
7. Planning permission is required in this case as the Council has introduced an Article 4 direction in a number of wards in Central Salford due to the existing concentration of Houses in Multiple Occupation (HMO). The Council's report explains this was necessary to allow the positive management of the amenity and character impacts of concentrations of HMO and to ensure that balanced communities are maintained.
8. UDP Policy H 1 seeks a high quality residential environment and a balanced mix of dwellings, including tenure. ELP Policy H10 seeks to ensure a good supply of houses is maintained and the positive character of neighbourhoods is protected through controlling a range of types of residential development, including HMO. Criteria 3 provides for a directed approach and confirms that development would not be permitted where it would 'result in any house that is in use as a single dwelling being immediately adjacent to more than one property in any of the above uses (immediately adjacent properties include properties directly behind and opposite, as well as to either side)'.
9. The Council's officer report includes a map illustrating the location of HMO in the vicinity of the site. This shows the attached neighbour and the properties on the opposite side of Highfield Road as being HMO. At my site visit, I observed the property to the rear is in commercial use at ground floor level. None of these immediately adjacent properties are therefore in use as a single dwelling. I am unclear as to whether the property on the opposite side of Wall Street is in residential use, however it has not been referred to in the Council's report and is set away from the appeal site in substantial landscaped grounds.
10. The Council's report refers to the effect on No 139 Highfield Road, however as it is not immediately adjacent to the appeal site, the appeal proposal would not result in that property being immediately adjacent to more than one property that is a non-self-contained residential unit. The proposed development would

therefore not result in a house that is in single use being immediately adjacent to more than one of the identified uses set out in ELP Policy H10.

11. I acknowledge the proposal would add a further HMO, creating a cluster of four at the junction of Highfield Road and Wall Street. However, the emerging policy does not contain any further criteria regarding siting and does not impose a threshold with regard to the provision of HMO. Furthermore, there are very specific circumstances to this site, arising from its corner location, the proximity of the shop, park and building in large grounds which mean that the immediate surrounding area is less susceptible to the effects of changes of use than a typical residential street with a higher concentration of dwellings may be.
12. The map submitted by the Council shows a relatively low number of HMO in the vicinity of the site and does not refer to any of the other uses referred to in ELP Policy H10. There is no evidence before me that demonstrates the use of this dwelling as a 4-bed HMO would, individually or cumulatively, result in population turnover levels that could reduce community stability and social cohesion.
13. In relation to this main issue, I conclude that the proposed development would not harm the character of the area, community stability or social cohesion. It would contribute to the provision of a balanced mix of dwellings in the local area as sought by UDP Policy H 1 and not result in any single dwelling being immediately adjacent to more than one property that is a non-self-contained unit, or result in population turnover levels that could reduce community stability as sought by ELP Policy H10.

Living conditions

14. The Council's reason for refusal refers to the proposal contributing to issues regarding noise and disturbance. However, the Council's officer report is not clear on this issue as it identifies an issue with noise and disturbance affecting residents of No 139 Highfield Road but does not identify an issue with regard to No 137 Highfield Road which is in use as an HMO and immediately adjacent to the appeal site. There is no other evidence before me to demonstrate either why noise is likely to be a particular concern arising from this use of the appeal property or that there is a particular issue in the surrounding area that may be exacerbated were the appeal to be allowed.
15. In relation to this main issue, I therefore conclude that the proposed development would not have an unacceptable effect on the living conditions of surrounding residents with regard to noise and disturbance and would therefore accord with ELP Policy H10 which seeks to control the effect of HMO on the surrounding area.

Conditions

16. The Council has suggested several conditions should the appeal be allowed. I have had regard to these in light of the advice contained within the Framework and the Planning Practice Guidance.
17. The standard time limit and approved plans conditions should be imposed in the interests of certainty. A condition requiring the provision of secure cycle parking is also considered reasonable and necessary to make adequate

provision for cyclists and I have altered the wording of the suggested condition in the interests of precision.

18. The Council has suggested that a condition restricting the number of occupants of the dwelling to four be imposed, however no reason for this has been given. Given the description of the development, there is no substantive evidence before me demonstrating why this condition would be reasonable or necessary. I have therefore not imposed it.

Conclusion

19. For the reasons given above I conclude that the appeal should be allowed.

J Downs

INSPECTOR