



Appeal Decision

Site visit made on 15 November 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2022

Appeal Ref: APP/U4230/W/22/3301066

154 Derby Road, Salford M5 5BB

- 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 Mohammed Naom against the decision of Salford City Council.
 - The application Ref 22/79256/FUL, dated 7 February 2022, was refused by notice dated 4 April 2022.
 - The development proposed is the change of use from C3 residential dwelling to 9 person HMO (Sui Generis) with associated garage conversion and first floor extension works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice makes reference to policies H10, D5 and F3 of the emerging Salford Local Plan: Development Management Policies and Designations (the eLP). The weight to be afforded 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 National Planning Policy Framework (the Framework).
3. Based on the evidence submitted by the Council, it seems to me that the eLP is at a very advanced stage. I consider policies H10, D5 and F3 to be broadly consistent with policies in the Framework. I am also not aware of any unresolved objections to these policies so far as they relate to this appeal. Therefore, I attribute significant weight to the relevant policies of the eLP.

Main Issues

4. The main issues are:
 - the effect of the proposal on community character, stability, and social cohesion;
 - the effect of the proposal on the character and appearance of the area; and
 - whether suitable living conditions would be provided for future occupiers, with particular regard to outlook.

Reasons

Character, stability and social cohesion

5. The appeal site is within a predominantly residential area. Although there appear to be single family dwellinghouses within the locality, the evidence indicates that, within close proximity to the appeal site, there is a high concentration of properties in use as houses of multiple occupation (HMOs).
6. Indeed, the site is located within an area covered by an Article 4 direction, which was imposed in order to manage potential amenity and character impacts from the existing concentration of HMOs. Negative impacts that can result from high concentrations of HMOs include anti-social behaviour, noise and nuisance, and imbalanced and unsustainable communities.
7. The proposal would result in the loss of a single family dwellinghouse and the introduction of another HMO, thus adding to the already high concentration of HMOs in this locality. The proposal would also result in a single dwelling being immediately adjacent to more than one property in use as an HMO. This would further unbalance the mix of property types and see the introduction of more unrelated occupiers who tend to be more transient. This in turn would result in increased noise and disturbance through greater comings and goings and a higher turnover rate, which would weaken community cohesion and stability, overall altering the character of the area.
8. Consequently, the proposal would exacerbate the existing overconcentration of HMOs in the area thus it would have a harmful effect on community character and stability, and social cohesion. It would therefore conflict with the aim for a balanced mix of dwelling types within communities as set out in saved policies ST1 and H1 of the City of Salford Unitary Development Plan 2004-2016 (June 2006) (the UDP) and policy H10 of the eLP. It would also conflict with the Framework which seeks to achieve mixed and balanced communities.

Character and appearance

9. The appeal building has pleasing, traditional features including two storey bay windows to the front. The proposed first floor extension above the garage would see the bay window extended across the remaining width of the property. This would erode this key, positive feature and result in a large flat roof section which is at odds with the roof form of the host property and would dominate the front elevation. It would therefore be an obtrusive feature that would be highly prominent in the street scene.
10. Although there is some variety in the design of buildings in the locality, the end properties which front Derby Road tend to have bay windows which are a prominent, yet subservient feature to the main elevations. This proposal would erode this design and result in an overly dominant, projecting extension to the front elevation rather than a subordinate feature.
11. I note that the appellant is willing to amend the proposal so as to remove the first floor extension element. However, it is important that I consider the appeal based on what was before the Council when it made its decision.
12. Consequently, the proposal would harm the character and appearance of the area and would conflict with policies DES1 and DES8 of the UDP which require developments to respond positively to and respect the characteristics of the building and their context. The proposal would be contrary to the guidance on achieving well-designed places as set out in the Framework.

Living conditions of future occupiers

13. The proposal includes two bedrooms within the second floor of the appeal property, which would be served solely by rooflights. Whilst they would provide daylight and ventilation, based on the evidence before me, I consider that they would not provide future occupiers of those rooms with a satisfactory outlook.
14. Although outlooks could be gained from the communal rooms, as bedrooms are the only private space for occupiers of HMOs and are rooms in which occupiers tend to spend more time, it is pertinent that satisfactory conditions are also provided within these private rooms.
15. It cannot be guaranteed that future occupiers would only rent the rooms within this HMO for a short period of time. Even if they did however, this would not negate the lack of outlook as it is reasonable to assume that this would be the sole residence of the occupiers.
16. This proposal is seeking a change of use, therefore even if the proposed rooflights would be permitted development this does not overcome the concerns above.
17. Accordingly, the proposed development would not provide satisfactory living conditions for future occupiers and thus would fail to comply with policies H1 and DES7 of the UDP and emerging policies D5 and F3 of the eLP. Collectively these policies, along with the Framework, seek to ensure that a high standard of amenity and quality of life is provided for all potential future users.

Conclusion

18. The proposed development would create some temporary jobs during construction. It would also provide affordable accommodation in an area in which the appellant suggests there is a need. However, it has not been convincingly demonstrated that the need for this type of accommodation is not currently being met. Moreover, due to the small scale of the proposal, these benefits would be limited.
19. It has been suggested that this proposal could house the homeless. Whilst this matter may be afforded positive weight, as I have already found that the standard of accommodation would be unsatisfactory, I afford this matter limited weight. I am also unconvinced that the property would remain vacant in the event that this appeal does not succeed, therefore this does not weigh in favour of the proposal.
20. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR