
Appeal Decision

Site visit made on 21 November 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st December 2022

Appeal Ref: APP/U4230/W/22/3302341

51 Snowdon Road, Eccles, Salford, M30 9AS

- 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 Wajid Ikram of W & H Properties Ltd, against the decision of the Council of the City of Salford.
 - The application Ref 22/79584/FUL, dated 21 March 2022, was refused by notice dated 15 June 2022.
 - The development proposed is change of use from C3 Dwelling to C4 House in Multiple Occupation.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 Dwelling to C4 House in Multiple Occupation together with associated side alterations at 51 Snowdon Road, Eccles, Salford M30 9AS in accordance with the terms of the application, Ref 22/79584/FUL, dated 21 March 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:
 - *Location Plan; NA-P01 (As Amended and Submitted with this appeal); and NA-P02.*
 - 3) The materials to be used in the construction of the external surfaces of the proposed alterations shall match those used in the existing building.
 - 4) The vehicle parking arrangement shown on the approved plans shall be made available for use prior to the development being brought into use and shall be retained for this purpose thereafter.
 - 5) Notwithstanding the details on the approved plans, details of secure bicycle parking for a minimum of 4 bicycles shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The approved bicycle parking shall be implemented and made available for its intended use and retained thereafter.

Preliminary Matters

2. Whilst not included in the description on the application form, the proposal includes external alterations in the side elevation with regard to door and window openings. The description on the decision notice includes these and

therefore I have amended the wording in the decision above to include these alterations.

3. The second reason for refusal relates to inadequate sanitary provision for future occupants of the HMO. However, an amended plan has been submitted with the appeal which adds facilities which address this concern. The amendments are minor and relate only to the internal layout of the property and therefore I do not consider that natural justice is adversely affected by accepting this plan. The Council consider this addresses their concern in this regard and do not wish to defend this reason for refusal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance.

Reasons

5. The appeal site comprises of a semi-detached house in a residential area. The area is subject to an Article IV Direction preventing the change of use of dwellings (Use Class C3) to HMO's (Use Class C4). Whilst I have not seen a copy of the Article IV Direction, I understand from the information submitted that the Council wish to avoid clusters and an over concentration of HMO's in some areas of the City. The reasons for this include protecting the living conditions of the occupiers of neighbouring properties; avoiding an imbalance in the mix of dwelling types; and sustaining community stability and social cohesion.
6. Clusters of HMO's may result in noise and disturbance due to the occupation of houses with a larger number of people than may be the case for family housing. The proposed HMO would have 6 bedrooms and I note from the plans submitted with the appeal that the existing property has 5 bedrooms although some of these would be small.
7. The potential increase in the number of occupants would not be significant and on this basis an increase in noise and disturbance would not be so much greater as to justify withholding permission. I appreciate that occupation of a HMO may be more transient than that of a family home and an over concentration of HMO's may have implications on the function of the community in an area and subsequently its social cohesion. However, I do not consider that to be the case here. This is because there is only one other HMO in the road, i.e. No 36. I note that there is reference to a child minding business at No 38 but from the information submitted, this seems to be small scale and there were no obvious indications of a non-residential use of this property at the time of my site visit.
8. The Council state that because 36 Snowdon Road is currently a HMO, there would be an adverse effect on Nos 38 and 49 due to the grouping of one or more HMO's. In assessing proximity of dwellings, Policy H10 of Salford's Emerging Local Plan¹ seeks to avoid circumstances where a dwelling is immediately adjacent to one or more property in use as a HMO, amongst other uses. The policy describes immediately adjacent as including properties directly behind and opposite, as well as either side.

¹ Publication Salford Local Plan: Development Management Policies and Designations – Composite Plan: Includes all Modifications (Main and Additional) identified through the examination of the Plan, May 2022.

9. The Emerging Local Plan is not adopted but is at an advanced stage with its adoption being fairly imminent. It therefore carries significant weight in accordance with the National Planning Policy Framework². Policy H10 includes properties directly opposite each other in its assessment, and so the proposed change of use would be in breach of this policy depending on the interpretation of the term adjacent. In my view, whether or not the houses on the opposite side of the road could be described as directly opposite / adjacent or not, due to the position of No 51 and the neighbouring properties in relation to each other, and the scarcity of HMO's in the street generally, I do not consider that Nos 38 or 49 or the other houses in the vicinity would experience undue harm caused by noise and disturbance arising from No 51. Whilst the proposal would result in a change in the occupation of the property from that of a family home, I do not consider that it would undermine the objectives of draft Policy H10 in relation to avoiding the cumulative effect that groups of HMO's could have on the living conditions of the occupiers of neighbouring properties.
10. Furthermore, due to the scale of the proposed HMO and the occupation of most of the properties in the road as family houses, I do not consider that the occupation of No 51 as an HMO would undermine the objective of adopted UDP³ Policy ST 1 which requires development to contribute towards the creation and maintenance of sustainable urban neighbourhoods. Furthermore, the proposal would contribute towards the balanced mix of dwellings within the area in terms of size, type, tenure and affordability in accordance with UDP Policy H 1.

Other Matters

11. I note the concerns raised regarding responsibility for maintenance of the property and other responsibilities such as refuse bin collection; unsociable behaviour; and parking concerns. Neighbours are also concerned about the implications of the proposal on the value of their properties. The latter is not a matter that I can take into account in determining the planning merits of the proposal and some of the matters raised would be the responsibility of the landlord or the management body for the property; again, these are not matters that affect my decision. A neighbour has also expressed concern about privacy but as the external alterations are to the ground floor only, I do not consider that any harm would arise with regard to a loss of privacy.
12. With regard to parking provision, the area in front of the house was hardsurfaced at the time of my site visit and so differed to that shown on the existing plan submitted with the appeal. It did not though have a dropped kerb across its full width although it provides space for two vehicles and is not dissimilar to other properties in the road. The road is narrow and cars were parked on the road at the time of my site visit. No 51 is also close to a bend in the road. However, I do not consider that the proposed HMO would generate additional traffic that would worsen the situation for existing residents.

Conditions

13. The Council has suggested conditions which I have considered in the light of the Planning Practice Guidance⁴ and the Framework. A condition is necessary to

² Ministry of Housing Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

³ City of Salford Unitary Development Plan 2004-2016, Adopted 21 June 2006.

⁴ Planning Practice Guidance, Published 6 March 2014 – Updated 23 July 2019.

ensure that the materials used in the external alterations proposed as part of the change of use match the existing building in order to secure a satisfactory appearance. Also, whilst the area to the front of the house has been hardsurfaced it is necessary that it is retained for parking so that off-street provision is available in the interests of highway safety and the free flow of traffic. Also, the plans indicate that space would be provided for bicycle storage but as no details are submitted, a condition is necessary to secure these and make them available for future occupiers in the interests of providing sustainable modes of transport. Also, it is necessary that the development is carried out in accordance with the approved plans and I therefore impose a condition, taking into account the amended plan submitted as part of this appeal and referred to above. I have amended the wording of some of the conditions for conciseness.

14. A condition is suggested from the Council's Environmental Consultant restricting the times when construction work can take place. However, whilst there could be some disturbance associated with the conversion works, I do not consider that this would be excessive or likely to last for a long period of time and so do not consider a condition necessary.

Conclusion

15. For the reasons given above and having regard to the development plan as a whole, I conclude that the appeal should be allowed.

J D Clark

INSPECTOR