
Appeal Decision

Site visit made on 30 January 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2023

Appeal Ref: APP/P4225/W/22/3301009

1 Michael Street, Middleton, Rochdale M24 4DX

- 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 John Keenan against the decision of Rochdale Borough Council.
 - The application Ref 22/00265/HOUS, dated 24 February 2022, was refused by notice dated 20 May 2022.
 - The development proposed is conversion of garage into an annex ancillary to the main dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide a satisfactory standard of living accommodation for future occupiers.

Reasons

3. 1 Michael Street is an extended two-storey, end-of terrace property situated within a well-established residential area. The property is currently in use as an House in Multiple Occupation (HMO) accommodating, the submitted plans indicate, 5 bedrooms and a shared kitchen/dining room and lounge. Externally there is a detached garage situated close to the house with a parking space in front of it, and a garden to the rear.
4. The proposal seeks to convert the detached garage to a single bedroom with ensuite shower room, to be used as ancillary to the existing HMO use. The building would remain unchanged in terms of its size and the garage door opening would be altered to provide a door and window. A ramped access would be provided from street level to the door of the building and plans indicate that the bedroom would provide sufficient space to enable a wheelchair to turn inside it.
5. I have not been provided with any Council policies relating to the provision of HMOs. The Council's decision notice determines the proposal against Policy DM1 of the Rochdale Core Strategy 2016 which sets out general development requirements. Amongst other things the policy requires that all developments are expected to be of a high-quality design and enhance the quality of the area; are compatible with surrounding land uses both in terms of their impact on those users and the impact of surrounding land uses upon the amenities of

- future residents; and do not adversely affect the amenity of residents or users through visual intrusion, overbearing impact, overshadowing or loss of privacy.
6. In this case there is no dispute between the parties that the proposal would not be of a high-quality design or be incompatible with the surrounding land uses, particularly as the existing HMO already sits alongside family dwellings. Nor is there any dispute that it would affect the amenity of residents or occupiers of the property in the ways set out. As such the proposal would comply with the requirements of Policy DM1.
 7. However, the Council's 'Guidelines and Standards for Residential Development' Supplementary Planning Document (SPD), also referred to in the reason for refusal, sets out that the Council will 'seek to secure a good standard of amenity for the future occupiers'. This is consistent with the policies of the National Planning Policy Framework (the Framework) which requires that development should create places that are safe, inclusive, and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.
 8. In this case, the floorspace of the proposed bedroom exceeds the minimum space standards for single occupancy bedrooms as set out in the Nationally Described Space Standard (NDSS). However, the occupier would have to go outside to gain access into the house, via the side or front door, to use the cooking, dining and lounge facilities and to socialise with the other occupants. To my mind this would be inconvenient to the occupiers of the bedroom, particularly in wintry and inclement weather conditions and would be particularly unattractive to the wheelchair users the development seeks to provide for.
 9. The plans include a 'kitchenette' within the bedroom. The appellant clarifies that this is means a facility for making hot drinks rather than for food preparation and cooking. However, it seems to me that the necessity for such a facility within a bedroom acknowledges the difficulties of the detached nature of the bedroom, which, particularly in longer spells of poor weather, could result in the occupier living in a single bedroom with facilities unsuitable for day to day living, isolated from other occupants who are unlikely to be related to them. There is no disagreement between the parties that the room is not big enough to be used as a bed-sitting room under the minimum space requirements of the NDSS and consequently the proposed arrangement would provide an inadequate level of amenity for occupiers.
 10. I recognise that the proposed development would provide living accommodation in a location that is within easy reach of the town's services and facilities. However, the weight I can give to this as a benefit of the scheme is limited by the poor quality of the accommodation provided.
 11. My attention has been drawn to a Certificate of Lawfulness (CLD) granted by the Council for the alteration and conversion of a detached garage to a Granny annex elsewhere in the Borough in 2020¹. However, as this was an application for a CLD rather than an application for planning permission it would not have been subject to an assessment of its planning merits. As such

¹ Application Ref: 20/00875/CPL

the case is not directly comparable with that before me and carries little weight in my considerations.

12. For the reasons set out above, the proposal falls short of the requirements of the SPD and the Framework as set out at paragraph 130 (f) in that it would not create a place that promotes health and wellbeing and would not provide the high standard of amenity that the Framework requires.

Conclusion

13. For this reason, and taking into account all other matters raised, the appeal is dismissed.

S Ashworth

INSPECTOR