



Appeal Decision

Site visit made on 2 May 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2023

Appeal Ref: APP/U4230/W/22/3312751

4 Park Bank, Liverpool Street, Salford M5 5HP

- 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 Mark Bielinski against the decision of Salford City Council.
 - The application Ref 22/80262/COU, dated 20 July 2022, was refused by notice dated 12 October 2022.
 - The development proposed is change of use from 3 bedroomed dwelling (C3) to a 6 bed HMO (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from 3 bedroomed dwelling (C3) to a 6 bed HMO (Sui Generis) at 4 Park Bank, Liverpool Street, Salford M5 5HP in accordance with the terms of the application, Ref 22/80262/COU, dated 20 July 2022 and the plans submitted with it, 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 shall be carried out in accordance with the following approved plans:
Site location plan reference number TQRQM22236084816815
Proposed floor plans reference 4 Park Bank, Liverpool Street, Salford M5 5HP.
 - 3) The HMO hereby permitted shall not be occupied by more than 6 residents.
 - 4) Prior to first occupation of the HMO, full details of a proposed secure store for 3 cycles, shall have been 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 HMO in accordance with the approved details and retained thereafter.

Procedural Matters

2. I have used the description of the proposal from the Council's decision notice as it more accurately and succinctly defines the proposed development.
3. The Council has advised that the Salford Local Plan: Development Management Policies and Designations (SLP) was adopted on 18 January 2023. This now forms the statutory development plan for the area, substituting the saved policies of the City of Salford Unitary Development Plan (2006). For the

avoidance of doubt, I have determined the appeal based on the current development plan.

Main Issue

4. The main issue in relation to this appeal is the effect of the proposal on community stability and social cohesion.

Reasons

5. The appeal site comprises an end of terrace property located on Liverpool Street, close to the junction with Weaste Road and Weaste Lane (B5228). Whilst the area is predominantly residential in character, a number of commercial premises are located to the east and south within the adjacent Victoria Mill and Weaste Trading Estate.
6. The confirmation of an Article 4 Direction¹ by the Council necessitates changes of use from a dwelling into a house of multiple occupation (HMO) to require planning permission. Policy H10 of the recently adopted SLP, seeks to carefully control the conversion of existing dwellings into alternative forms of residential accommodation such as HMO's, and to ensure a good supply of houses is maintained. Proposals should not have an unacceptable impact on the positive residential character of the neighbourhood, not result in infrastructure capacity being exceeded, nor result in any dwelling being located immediately adjacent to more than one property in an alternative residential use.
7. The Council confirms that the remainder of the properties within the terrace to which the appeal site belongs, namely No's 6–10 Park Bank are all either already in use as a HMO or have permission to become one.² It does not raise concerns regarding any dwelling being located adjacent to more than one property in an alternative residential use and neither will I.
8. The proposal would add a further HMO to the area, adding to the existing cluster of such properties around the junction of Weaste Road (B5228), Liverpool Street and Tootal Road.³ However, Policy H10 of the SLP does not contain a threshold with regard to the maximum number of HMO's permissible in an area, instead adopting a proportionate approach, taking into account the specific circumstances of a proposal and its context.
9. There is no substantive evidence to demonstrate the proportion of HMO properties relative to the overall local accommodation stock referred to in Policy H10, such that I can be clear that the proposal would result in an over concentration of HMO's. Although it is suggested that there is a high proportion of student accommodation, the Council acknowledges that there are diverse forms of residential accommodation nearby, including single dwellings, blocks of flats and HMO's.⁴ In the absence of any evidence to the contrary, this would indicate that there is a balanced mix of residential properties within the area, despite the presence of some existing HMO's.

¹ Article 4(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

² Planning approval reference 20/75306/COU for a HMO at No 6 Park Bank, as referred to in the Council's officer report.

³ As shown in the map within the Council's officer report.

⁴ As referred to in the Council's officer report.

10. Although a snapshot in time during my visit, I observed that this section of Liverpool Street experienced a degree of activity from regular vehicular traffic, frequent pedestrian access to the bus stop opposite and the nearby Post Office, as well as commercial activity including deliveries, to the adjacent trading estate. The introduction of a HMO, even with a more transient population and pattern of use than a dwelling, would not therefore be particularly perceptible given these characteristics, unlike a quieter residential street where more frequent comings and goings is likely to be more apparent.
11. Furthermore, there is no evidence before me to indicate the proposal would individually or cumulatively result in an unacceptable impact upon noise and disturbance and waste management. Likewise, no evidence has been presented to demonstrate that the infrastructure capacity of either the appeal site or the local area, would be exceeded as a result of this proposal. There are no parking restrictions immediately outside the appeal property, and further unrestricted car parking is available along Liverpool Street to the east. The Council confirms that the proposal would not result in a severe impact on highway safety.
12. For the above reasons, the proposed development would not harm community stability or social cohesion. It would therefore accord with Policy H10 of the SLP as set out above. It would also accord with paragraph 8 of the National Planning Policy Framework (the Framework) which seeks to ensure sustainable development including supporting strong, vibrant communities through the provision of a range of homes.

Other Matters

13. Reference is made to the Council's 5-year housing land supply position. As the proposal would be in accordance with the development plan, I am not required to consider this matter further.

Conditions

14. I have considered the Council's suggested conditions in accordance with the tests set out within the Planning Practice Guide⁵ and paragraph 56 of the Framework. Along with the standard time limit, a plans condition is imposed in the interests of certainty. The number of residents is limited to a maximum of 6 to regulate the effect of the proposal on the living conditions of the future occupiers. To ensure that the HMO would be accessible by means other than the private car, a condition to require the provision of secure cycle storage prior to occupation, is also considered reasonable and necessary. I have amended the Council's suggested wording to ensure compliance with the 6 tests where necessary.

Conclusion

15. For the reasons given above, there are no conflicts with the development plan when taken as a whole. Accordingly, the appeal is allowed.

M Clowes

INSPECTOR

⁵ Paragraph: 003 Reference ID: 21a-003-20190723.