



Appeal Decision

Site visit made on 15 August 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/U4230/W/23/3318272

286 Liverpool Road, Eccles, Salford M30 0RZ

- 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 A Moghaddam against the decision of Salford City Council.
 - The application Ref 22/80593/FUL, dated 22 September 2022, was refused by notice dated 6 February 2023.
 - The development proposed is change of use from C3 residential to C4 HMO.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the application form. However, the description used on the decision notice and appeal form is "Change of Use from C3 residential to Sui Generis (10 bedroom HMO) and erection of a front porch canopy extension, single storey side extension, part two rear, part single storey side/rear extension, raising the main roof ridge line height including rear dormer with two rooflights in the front roof slope with external alterations and reinstatement of lightwell to the front and rear". I consider this to be a more accurate description of the appeal proposal and have determined the appeal on this basis.
3. Amended plans were submitted during the determination of the planning application. Two different sets of proposed floor plans, with the same drawing reference number, have been submitted with the appeal documents. I have obtained clarification from the main parties that the floor plan which was under consideration when the planning application was determined is the drawing showing 10 bedrooms and a ground floor living room. I have determined the appeal based on this floor plan.
4. The appellant states that they would be agreeable for the proposed raising of the ridge and eaves level to be altered to match the approval at the adjoining property, 284 Liverpool Road, to overcome part of the Council's reason for refusal. No revised plans have been provided to show this amendment, I have therefore determined the appeal based on the submitted plans.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and

- whether the proposed development would provide appropriate living conditions for future occupiers, with regard to internal space, outlook and natural light.

Reasons

Character and appearance

6. The appeal property is situated at the end of a row of four residential terraced properties, located in a mixed-use area which includes residential uses, retail shops, a fire station, food and drink outlets, betting shops, and a petrol filling station, within close proximity to the appeal site.
7. This terrace row is set back from the highway with each property having a front garden area, and this is a somewhat unique feature of the area which is generally defined by buildings set up to the back of the footway. This set back provides a more open and spacious aspect to this section of Liverpool Road (A57) and consequently the front elevations of this terrace row, and their roofs, are prominently viewed from the highway. Furthermore, there is currently a simple sense of rhythm and consistency to the appearance and roofscape of this row of properties, providing a positive contribution to the character and appearance of this mixed-use area.
8. The proposed raising of the eaves and ridge height would however result in a noticeable disruption to the existing roofscape, unbalancing the simple sense of rhythm and consistency currently observed within this row. The raising of the eaves and ridge at the appeal property would therefore have a negative visual impact on this row of properties to the detriment of the positive contribution it currently makes to the character and appearance of the area. I acknowledge that there are existing examples of this stepped eaves and ridge design within the surroundings. However, I am not aware of the planning history of these, and they only demonstrate the harmful impacts of this feature in the street scene, further persuading me of the unacceptability of this element of the appeal scheme.
9. Based on my observations on site, and the evidence before me, I agree with the Council's assessment that the proposed side and rear extensions, rear dormer, and front porch canopy are acceptable elements of the appeal proposal and would not have any undue impact on the character and appearance of the area.
10. In view of the above, the appeal scheme is contrary to the objectives of Policies D1, D2 and D8 of the Salford Local Plan: Development Management Policies and Designations (2023) which seek to ensure, amongst other things, that all development shall achieve high quality design; protect, enhance and respond to any positive character and distinctiveness of the local area, including roofscapes; and respect the general character and rhythm of buildings.

Living conditions

11. The appeal proposal would provide a 10 bedroom House of Multiple Occupation over 4 floor levels, as well as communal amenity space by way of a living room and a shared kitchen / dining area at ground floor level. I consider the size of the proposed bedrooms, and the amount of shared communal space, including outdoor amenity space, to be acceptable for the proposed use within this property.

12. The two proposed bedrooms at basement level would be served by new subterranean windows in each of the front and rear elevations of the building, with external excavation required to create light wells. Bedroom 1, being at the rear of the property, with the orientation of its window, and the presence of the existing two storey outriggers either side, would provide occupiers of this bedroom with an unacceptable level of natural light and outlook. Bedroom 2 however, given the open garden aspect at the front of the property, and the orientation of the building, would provide an acceptable level of natural light and outlook for future occupiers.
13. I observed on site that the rear ground floor room, proposed to be the living room, currently experiences a substandard outlook and level of light because of the orientation of the building and the existing two storey outriggers either side of the only window serving this room. The appeal proposal would further extend the existing outrigger at both first and second floor levels, as well as a single storey rear extension which would extend partly across the direct line of the window serving this room. These proposed extensions would only worsen the outlook and daylight received within this rear ground floor room.
14. With regard to Bedroom 5 at first floor level, I noted on site that this room currently receives an acceptable outlook and level of daylight at the rear of the property. Nevertheless, the proposed first and second floor extensions to the existing outrigger would impact upon the outlook and amount of daylight received within this bedroom to an unacceptable level. The impact of these extensions would create a situation not dissimilar to the aforementioned substandard level of outlook and daylight I observed within the rear ground floor room.
15. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of Bedrooms 1 and 5, nor within the proposed communal living room area, with regard to outlook and daylight received. The proposal would therefore conflict with Policies F3 and D5 of the Salford Local Plan which require development to provide all potential users with an acceptable level of amenity by way of aspect and light, and deliver a high quality of life. These policies are consistent with paragraph 130 (f) of the National Planning Policy Framework which requires developments to create a high standard of amenity for future users.

Other matters

16. The Council's reason for refusal includes policy H1 of the Salford Local Plan. This is a strategic policy that relates to the types and ranges of housing to be provided across the borough. This policy does not specifically relate to character and appearance, or living conditions, and therefore is not determinative in relation to these matters.
17. I note the appellant's statement that the existing property requires modernisation and refurbishment. However, modernisation and refurbishment of the property could take place without the proposed change of use and extensions. The appellant also states that the proposal seeks to provide a high level of affordable accommodation for residents. Nevertheless, this does not outweigh the harms I have identified, nor the resulting conflict with the development plan.

18. I have given due consideration to the appellant's comment that the Council has been unfair and inconsistent in its decision making, with reference to previous approvals for similar developments at both the appeal property and the adjacent property at 284. I observed on my site visit that neither of these approvals have been built out, and note that the raising of the eaves and ridge height on the current appeal proposal would be higher, therefore resulting in greater visual harm, than on both of these previous approvals. Furthermore, I am also aware that these previous permissions were granted prior to the adoption of the Salford Local Plan: Development Management Policies and Designations (2023). I have therefore determined this appeal on its own merits and against the most up-to-date planning policies.

Conclusion

19. The appeal scheme would be harmful to the character and appearance of the area and provide unacceptable living conditions for future occupiers of the development. The proposal is therefore contrary to the development plan and there are no other material considerations that outweigh this finding, or the conflict with the development plan when taken as a whole. As such, the proposal is unacceptable, and the appeal should be dismissed.

R Major

INSPECTOR