



Appeal Decision

Site visit made on 22 August 2023

by L Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/U4230/W/23/3319405

Goldfinch Lodge, Park Lane, Salford M6 7RQ

- 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 Mi Zhou, of Mi and Co Living against the decision of Salford City Council.
 - The application Ref 22/81004/COU, dated 19 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is Change of use from C3 dwelling to Sui Generis 7 bedroom HMO
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from C3 dwelling to Sui Generis 7 bedroom HMO at Goldfinch Lodge, Park Lane, Salford M6 7RQ in accordance with the terms of the application, Ref 22/81004/COU, dated 19 December 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 hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No.P01- Plans as Existing

Drawing No.P01- Elevations as Existing

Drawing No.P03 - Location and Site Plan
 - 3) The development hereby permitted shall not be occupied by more than seven (7) residents.
 - 4) Notwithstanding the approved plans and prior to first occupation, full details of a proposed cycle store (to store 4 cycles) and a proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. The cycle store and bin store shall be installed and made available for use prior to first occupation of the development in accordance with the approved details and retained thereafter.

Main Issues

2. The main issues are:
 - a) the effect of the proposed development on the character of the area; and

- b) whether any conflict with development plan policies would lead to conflict with the development plan as a whole, or whether there are other material considerations that would outweigh any conflict with the development plan.

Reasons

The character of the area

3. Policy F3 of the Salford Local Plan: Development Management Policies and Designations 2023 (SLP) seeks to ensure that development is inclusive, and Policy H1 states that development shall contribute to a broad mix of housing. Policy H10 seeks to control the conversion and change of use of houses. The policy states that the conversion of existing houses into HMOs will only be permitted where the proposal would not, either individually or cumulatively, have an unacceptable impact on the positive residential character of the surrounding neighbourhood, nor result in the infrastructure capacity of the site or local area being exceeded. Additionally, the policy refers to the need to control conversions to HMOs to ensure that a good supply of houses is maintained in Salford.
4. Policy H10 3) of the SLP states that development proposals must not result in any house that is in use as a single dwelling being immediately adjacent to more than one property in a variety of listed uses, including as an HMO or residential institution such as a care home. The policy clarifies that 'immediately adjacent properties' includes properties directly behind and opposite, as well as to either side.
5. The Council's reason for refusal named four properties which, were the development proposal to go ahead, would be immediately adjacent to more than one property in use as an HMO and/or a care home. 4 Park Lane lies some distance from the property and is not adjacent to Goldfinch Lodge. 64 Claremont Road and 2 New Herbert Street lie across the road from Goldfinch Lodge. The Council have indicated that 62 Claremont Road, next door to number 64, is applying for an HMO licence. 1 New Herbert Street lies opposite 2 New Herbert Street and is a registered HMO. 64 Claremont Road and 2 New Herbert Street would therefore be adjacent to more than one HMO, should the development proposal be allowed.
6. The fourth property mentioned in the Council's reason for refusal is 2 Godfrey Street. It is more likely that this would be 2 Godfrey Road, which is the semi-detached dwelling attached to the appeal property. To the other side of 2 Godfrey Road, along Claremont Road, lies a care home. Consequently, 2 Godfrey Road would also be immediately adjacent to more than one property in one of the listed uses.
7. For these reasons, I conclude that the relationship of the property to 64 Claremont Road, 2 New Herbert Street and 2 Godfrey Road mean that its use as an HMO would lead to conflict with Policy H10 3) of the SLP.
8. The proposed development is to convert a large property into a seven bedroomed HMO. From my site visit, I noted that although the properties to the north of the proposal are traditional, tightly knit terraces, Goldfinch Lodge is a large property set in a spacious plot. There are other large properties to the west and south of the proposed development. A care home lies next door but one to the property. Although predominantly residential, there are other

uses, including a children's nursery, a primary school and a recreational park located close by. From the evidence available to me, the mix of uses and house types contributed to the area's character being one of a well-balanced, mixed community, with a busy vitality to the area.

9. The Council's report highlighted that the proposal would not have a negative effect on the visual amenity of the area. There were no statutory objections regarding air quality or noise. The proposed HMO was not considered likely to have negative effects upon the living conditions of occupiers of neighbouring properties and would provide acceptable living standards for future occupiers. The proposed development was not considered to have a severe impact on the local highway network, nor be likely to cause parking issues within the vicinity. The area in which the development proposal is located is the subject of an Article 4 Direction controlling the change of use of properties to small HMOs. However, The Officer's report also highlighted that although there are a number of mandatory and/or additional HMO licences within the immediate and wider area, this is not considered to amount to an overconcentration in this instance.
10. I consider that the proposed development would not lead to any more issues of overlooking and privacy than if the house were to remain as a single dwelling. The spacious size and location of the appeal site means that the properties are not as tightly located and are set further apart from neighbouring properties than would be the case in, for example, the terraced properties to the north of the site. The impact of the proposed HMO on the adjacent properties is likely to be less severe in this instance, due to the separation between the site and its neighbours. Whilst 2 Godfrey Road is undoubtedly immediately adjacent to the appeal site, I consider that it is sufficiently separated from the care home by virtue of its spacious plot size, a road, and the garden of the detached care home. Additionally, although 2 New Herbert Street and 64 Claremont Road are adjacent to the side elevation of Goldfinch Lodge, these properties are separated by a road which provides some distance from the appeal property.
11. Additionally, as noted above, the Council's report indicated that the proposed HMO was not considered likely to have negative effects upon the living conditions of occupiers of neighbouring properties. As Goldfinch Lodge is a semi-detached property it shares a party wall with 2 Godfrey Road. However, I agree that the use of the property for HMO residential purposes will not generate noise and disturbance materially different to what would normally be anticipated for a dwelling of this size.
12. The proposal would therefore not harm the positive residential character of the area, which comprises a mix of house types and uses. It would not lead to an over concentration of HMOs in the surrounding area and would therefore not damage the good supply of homes in Salford.
13. For the reasons set out above, I therefore conclude that the proposal would be in conflict with policy H10 of the SLP which seeks to ensure that conversions to HMOs will only be permitted if they do not result in any house that is in use as a single dwelling being immediately adjacent to more than one property in uses including HMOs or residential institutions. However, given my conclusions on the effect of the proposed use on the area, set out in paragraphs 8-12 above, I attach limited weight to that conflict.

Other material considerations

14. I have not found conflict with policies F3 and H1 of the SLP which seek to ensure that development is inclusive and contributes to a broad mix of housing. Interested parties raised the issue of the loss of a family home. However, little evidence has been supplied to me detailing particular housing needs in the area. The proposed development would contribute to a mix of homes and make a contribution to housing supply for individuals wanting to rent.
15. A comment was made regarding the impact that the proposed development would have on the nearby Irlams o' th' Height Conservation Area. The appeal site lies close to the boundary of the Conservation Area. Paragraph 199 of the National Planning Policy Framework (the Framework) makes clear that great weight should be given to the conservation of designated heritage assets, and to their setting. The development proposal would not see the outward appearance of the dwelling altered. As a result I conclude that the proposal would not affect the setting of the Conservation Area.
16. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that decisions made should be in accordance with the development plan unless material considerations indicate otherwise. Although the proposed development would conflict with Policy H10, other material considerations, including the proposed development's compliance with Policies F3 and H1 and the contribution that the proposal would make to the mix and demand for homes in the area, outweigh the conflict with the development plan as a whole.

Conditions

17. In addition to the standard condition which limits the lifespan of the planning permission I have specified the approved plans for the avoidance of doubt and in the interests of proper planning.
18. I have included a condition limiting the number of residents of the HMO to seven, to safeguard the amenity of the future occupants of the development.
19. Additionally, I have included a condition to provide cycle storage at the property to encourage more sustainable modes of travel, and bin storage to ensure a satisfactory appearance in the interests of visual amenity.

Conclusion

20. For the reasons given above, I conclude that there are material considerations that outweigh conflict with the development plan as a whole. As a result, the appeal should be allowed.

L Hughes

INSPECTOR