



Appeal Decision

Site visit made on 16 April 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/U4230/W/23/3334077

15 Barrfield Road, Salford M6 7EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Karamat Baree against the decision of Salford City Council.
 - The application Ref is 23/82375/FUL.
 - The development proposed is Change of use from existing 6 bed dwelling (C3) to 9 bed (9 residents) House in Multiple Occupancy (HMO) (Sui Generis), together with the construction of a rear dormer and alterations to the elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, Places for Everyone (PfE) has been adopted. PfE is a joint Development Plan Document produced by nine Greater Manchester districts, of which Salford is one. The Council provided me with a list of updated policies relevant to the appeal, and the appellant was given the opportunity to make any further comments in regards to those.
3. On the 19 December 2023 the Government published a revised National Planning Policy Framework (the Framework) later updated on 20 December 2023, accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. I have familiarised myself with the content of the revised Framework and the accompanying WMS. Having considered the parties' respective cases and the nature of the revisions, in light of the principles of natural justice, I have not considered it necessary to invite any submissions from the parties on the revised Framework.
4. The appellant has submitted an amended layout plan with the appeal documentation which would change the room in the basement, which the Council considered would receive insufficient light and have a limited outlook, from a bedroom to a common games room/ leisure room. The Council has viewed the amended layout, and on balance consider that the future occupants would be provided with a satisfactory level of amenity if the building was converted as detailed in the revised plans.
5. However, I am conscious that other interested parties, such as neighbouring residents, have not had the opportunity to view or comment on the amended layout. In the interests of fairness and natural justice I have therefore considered the appeal on the original plans detailing the basement room as bedroom 1, rather than the amended plans.

Main Issues

6. The main issues are:

- 1) whether the proposal would result in cumulative unacceptable harm to the residential character of the area due to an over-concentration of Houses in Multiple Occupation (HMOs); and
- 2) the effect of the proposal on the living conditions of future occupiers, with particular regard to light and outlook.

Reasons

7. Number 15 Barrfield Road is a mid-terraced property situated in a well-established residential area. The property is currently vacant, and was previously in use as a six-bedroomed dwelling. The proposal seeks to change the use of the property to a 9-bed House in Multiple Occupation (HMO) for 9 people. To facilitate the proposed change of use it is proposed to construct a new small dormer in the rear elevation of the main roof and make alterations to the elevations.
8. The appeal property is bounded to the south, east and west by other residential properties, with a bowling club and bowling green situated on the opposite side of the road.
9. Policy F3 of the Salford Local Plan: Development Management Policies and Designations (2023) (SLP) requires that all places and developments should be as inclusive as possible. Policy H1 is an overarching housing policy which requires individual new residential developments to contribute to the provision of a broad mix of housing options across Salford and within the local area, ensuring that identified housing needs can be met.
10. The justification for Policy H10 of the SLP notes that non-self-contained residential units can be transitory in nature, having a relatively rapid turnover of occupants and consequently a high number of them can adversely affect the social stability of a neighbourhood. Accordingly, Policy H10 requires that the conversion of houses into uses including HMOs is carefully controlled to ensure a good supply of houses is maintained and the positive character of neighbourhoods is protected.
11. Conversions to these uses will only be permitted where, amongst other things, it can be demonstrated that the proposal would not, individually or cumulatively, have an unacceptable impact on the positive residential character of the surrounding neighbourhood having particular regard to potential increases in noise and disturbance, on-street car parking, waste management and population turnover that could reduce community stability.
12. The Council has been pro-active in seeking to address the issues arising from excessive concentrations of HMOs in the city. The part of the city where the appeal property is located is subject to an Article 4 Direction which prevents houses being converted to HMOs without the benefit of planning permission, in line with the aims of Policy H10. The fact that this area is subject to an Article 4 Direction indicates the pressures on this particular local environment and its housing stock. The Council have highlighted that in the particular terrace within Barrfield Road where the appeal property is located 66% of the properties are

in use as HMOs. The proposal would add to the high concentration of such uses on this particular terrace.

13. Although HMOs can add to the housing mix of an area and play an important role in providing accommodation to a range of individuals, a high concentration of HMOs can imbalance the mix of housing types and erode the traditional residential character of the area. The Council have indicated that HMOs can lead to a more transient community and can have a detrimental impact on residential areas through such issues as increased disturbance, management of waste and bins and the frequency of comings and goings.
14. The appeal property is currently a large single family dwelling with 6 bedrooms, and the appellant has contended that as such the result of activity associated with the 9 occupiers of the proposed HMO would not be so different so as to detrimentally harm the amenity of the neighbours. However, I consider that an HMO is not directly comparable to a family dwelling, mainly because it is likely to appeal to different client groups such as students and young professionals. The level of activity and associated disturbance from nine young adults living together, including the comings and goings at different hours is likely to be greater than with a single family household.
15. Additionally, the proposal would result in the family dwelling at 9 Eastfield (No 9) which is located to the rear of the proposed development, being adjacent to three HMOs, as Nos 11a and 19 Barrfield Road are already in use as HMOs. Policy H10 3) 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. The policy clarifies that 'immediately adjacent properties' includes properties directly behind and opposite, as well as to either side.
16. Whilst No 9 is already adjacent to two HMOs, and so the proposal would not directly result in it being adjacent to more than one HMO, the proposal would add to the cumulative effect of the HMOs on the living conditions of occupiers of No 9 in terms of issues such as increased noise and disturbance. The appellant notes that no objections to the proposal were raised by the Council's environmental consultees. Nevertheless, whilst the proposed use might not give rise to a statutory noise nuisance, I consider it likely that disturbance from comings and goings and social activities late at night would have a harmful effect on the living conditions of No 9 along with other residents of Barrfield Road, particularly given the concentration of HMOs along the terrace.
17. I note that there are trees and vegetation bounding the rear garden of No 9 which may help to minimise the impact of the proposal. However, I have no information as to whether the trees have statutory protection, and as such I have no certainty that they will not be removed at some stage. As such, the current screening is not a determining factor when considering the impact that the proposal would have on the residents of No 9. The fact that No 12 Eastfield is already adjacent to 3 HMOs is not a valid reason to consider that No 9 would not be impacted by a further HMO.
18. My attention has been drawn to a planning application for a similar proposal to this appeal which was granted at 3 Barrfield Road.¹ However, this application was considered under a different policy context, prior to the adoption of the

¹ Salford City Council, Planning ref: 20/75151/FUL

SLP, and as such that decision carries only minimal weight in my considerations. The SLP introduced Policy H10, which relates specifically to the change of use of dwelling houses to alternative uses, including HMOs. I have determined this appeal in the context of the most up to date development plan policies.

19. I conclude that the proposal would result in cumulative unacceptable harm to the residential character of the area due to an over-concentration of HMOs. Consequently, the proposal is contrary to Policies F3, H1 and H10 of the SLP which seek to ensure that developments sustain a distinctive local character, contribute to a broad mix of housing and ensure that the positive character of neighbourhoods is protected. It would also conflict with paragraphs 8, 96 and 135 of the Framework, which seek to ensure that development supports strong communities, does not undermine community cohesion and is sympathetic to local character.

Living conditions of future occupiers

20. The proposal would include a bedroom in the basement of the appeal property. The proposed bedroom would be served by a small lightwell which plans indicate would be 0.6m deep and 1.13m wide, with a hinged escape window above.
21. The outlook from the proposed bedroom in the basement would therefore be severely limited. Furthermore, the proposed escape window and single, small lightwell would lead to a lack of adequate natural light reaching the proposed basement bedroom, which would be overly dark and gloomy.
22. I conclude that the poor level of natural lighting and the lack of windows would not provide adequate living conditions for future occupiers in regard to lighting and outlook. As such, the proposal would conflict with Policies D5 and F3 of the SLP which seek to ensure that development provides acceptable levels of amenity to potential users and deliver a high quality of life. It would also conflict with paragraph 135 of the Framework which requires developments to provide a high standard of amenity for residents.

Other Matters

23. I have noted the concerns raised by interested parties. However, as I have found the proposal to be unacceptable on the main issues, it is not necessary for me to explore these matters further.
24. I note that the Council had no concerns regarding the proposed dormer window or the proposed alterations to the elevations, and that no objections were raised regarding highway safety. I also recognise that the rooms would all be larger than the recommended sizes according to HMO regulations, and that the appellant is an established landlord. The proposed development would be in a sustainable location close to facilities and transport links, and would provide living accommodation for young people who would contribute to the economy and local facilities. Furthermore, the proposal would provide cycle storage facilities and be converted to a high environmental standard. However, these benefits do not outweigh or alter my overall concerns regarding the harm to the residential character of the area and the impact of living conditions for future occupiers.

25. The appellant's frustrations about the Council's handling of the case are noted. I also note their observations that objections to the proposal have been made by an owner of other HMOs. However this has had no bearing on my determination of the appeal as I have only had regard to the planning merits of the case. I acknowledge the willingness of the appellant to amend the scheme in order to make it more acceptable. However, I have considered the original scheme that was submitted.

Conclusion

26. The proposal would conflict with the development plan taken as a whole and the material considerations do not indicate that the decision should be made other than in accordance with the development plan.

27. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR