



Appeal Decision

Site visit made on 24 July 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2024

Appeal Ref: APP/B4215/W/24/3340368

45 Albemarle Road, Manchester M21 9HX

- 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 Mr Andrew Jonathan Booth against the decision of Manchester City Council.
 - The application Ref is 137577/FO/2023.
 - The development proposed is described on the application form as 'change of use from C3 to C4 HMO'.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from C3 to C4 HMO at 45 Albemarle Road, Manchester M21 9HX in accordance with the terms of the application, Ref 137577/FO/2023, and the plans submitted with it.

Preliminary Matter

2. The proposed change of use has already been carried out. I have therefore dealt with the appeal scheme as seeking retrospective planning permission.

Main Issues

3. The main issues are the effect of the proposal on the concentration of Houses in Multiple Occupation (HMO), and the effect on the supply of family housing.

Reasons

Concentration of HMOs

4. The appeal site relates to a two-storey terraced property situated on Albemarle Road. The surrounding area is of established residential character consisting of two-storey terraced and semi-detached properties which are generally set back a small distance from the highway behind small front gardens or driveways with larger gardens to the rear.
5. The proposal is for the change of use of the property from a dwelling (Use Class C3) to an HMO (Use Class C4). Although this change of use would ordinarily be permitted development, there is an Article 4 Direction in place in this area that removes permitted development rights so that planning permission is required in this instance.
6. Partly to resist the loss of family housing, Policy H11 of the Manchester Core Strategy Development Plan Document (2012) (CS) states that a change of use from a C3 dwellinghouse to a C4 HMO will not be permitted where there is a

high concentration of residential properties within a short distance of the application site that fall into the categories of shared housing, including HMOs and student accommodation. CS Policy H11 does not define the terms 'high concentration' or 'short distance'.

7. Due to the proximity to higher education campuses, I do not doubt that the area is popular with students, but there is no substantive evidence before me about the levels of shared housing on Albemarle Road itself. Figure 9.6 of CS Policy H11 indicates that the site is in an area where shared housing, including HMOs, make up 0-9% of properties. That is at the lowest end of the scale and is well below other areas of the city where there clearly are significant concentrations. Therefore, the evidence does not indicate that there is an over concentration of HMOs in this area. Moreover, Figure 9.6 does not suggest the site is within a short distance of those areas that do have high concentrations.
8. The appellant sets out that the proposal provides affordable accommodation for no more than three unrelated professional tenants under a single tenancy agreement. Although I accept that unrelated tenants will likely have their own daily routines and will come and go at different times of the day, it is unlikely that three individuals would lead to an over intensification in the level of occupation compared to its use as a family dwelling. The Council contends that the transient nature of residents, and long periods where properties are empty, makes the provision of services difficult and leads to unsustainable communities. However, the evidence before me and my observations at the site do not suggest that the use of the property as a small HMO has resulted in any of the negative effects the Council has referred to, including an adverse impact on the character of the area.
9. Therefore, based on the evidence that is before me, I conclude that the proposal would not result in an unacceptable intensification in the use of the property or an over concentration of HMOs, and it would not have a harmful effect on the character and sustainability of the area. The proposal therefore accords with CS Policies SP1, H11 and DM1 which seek to ensure, amongst other things, that development avoids high concentrations of shared housing and has regard to the character of the surrounding area.

Supply of family housing

10. The site lies outside the 'Inner Areas' of the city as identified in CS Policy SP1. CS Policy H1 states that the emphasis will be on increasing the availability of family housing outside the Inner Areas. There is also a need to diversify housing stock in mono-tenure areas by increasing the availability of housing, including for larger families, and creating mixed communities. CS Policy H6 explains that outside District Centres priorities will be for housing which meets identified shortfalls, including family housing.
11. Family housing is described in CS Policy H11 as a dwelling with three or more bedrooms. The property previously had three bedrooms and it now has four. It also contains a living room, dining room and a kitchen, and there is a yard area to the rear. The property is within a residential area which is accessible to local services and facilities, including public transport, health care, schools and parks. It is therefore clearly suitable as a family dwelling.
12. Based on the evidence before me, I have been unable to conclude that there is an over concentration of HMOs in the area. Having regard to that reasoning,

there does not appear to be an under provision of family dwellings either. Moreover, the proposal would not result in the loss of a family dwelling given that the property is not currently used as one, but it could potentially revert back to use as a C3 dwelling in the future subject to any necessary approvals.

13. For these reasons I conclude that the proposal would not result in an unacceptable loss to the supply of family housing or undermine the aim of achieving an appropriate balance of housing provision. It does not conflict with CS Policies H1, H6, H11, DM1 and SP1, which seek, amongst other things, to promote mixed communities and protect and enhance family housing provision.

Other Matters

14. I have considered the concerns of interested parties about a lack of parking in the area. However, the Council do not object in this respect. I was able to see that there is limited parking availability along this road. Even so, the site is well located relative to public transport, and not all occupants of the HMO will necessarily own a vehicle. Therefore, the occupation of the property by a small number of unrelated individuals would be unlikely to have a significant impact on parking provision over and above its use as a family dwelling.

Conclusion

15. For the reasons given I conclude that the appeal should be allowed.
16. Conditions relating to the implementation period and approved plans are unnecessary as the development has already taken place. Although I have had regard to the other conditions suggested by the Council relating to refuse storage and bicycle parking, there is ample space within the curtilage of the property for these facilities to be provided. The proposed conditions are not necessary to make the development acceptable and I have not imposed them.

M Ollerenshaw

INSPECTOR