
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: 8th August 2024

Appeal Ref: APP/B4215/W/24/3337567

23 Egerton Crescent, Manchester M20 4PN

- 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 Chris Connor of MCMB Property Company Limited against the decision of Manchester City Council.
 - The application Ref is 138216/FO/2023.
 - The development proposed is described on the application form as 'basement conversion to create two additional bedrooms to take the property from 6 bedrooms to 8 bedrooms.'
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from a six bed house in multiple occupation (class C4) to an eight bed house in multiple occupation (sui generis), with the provision of lightwells to the front and rear at 23 Egerton Crescent, Manchester M20 4PN in accordance with the terms of the application, Ref 138216/FO/2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawings referenced 23/031/01, 23/031/02, 23/031/03, 23/031/04, 23/031/05, 23/031/06 and 23/031/07.

Preliminary Matter

2. In the decision above I have used the description of development given on the Council's decision notice and the appeal form, rather than the one provided on the application form, as it more precisely describes the development for which planning permission is sought and does not change anything fundamental.

Main Issue

3. The effect of the proposal on the living conditions of neighbouring occupiers, with regard to noise and disturbance, parking and waste management.

Reasons

4. 23 Egerton Crescent is a two-storey, end terraced property situated on the corner of Egerton Crescent and Parsonage Road within a mainly residential area. There is a small front garden that wraps around the side of the building, leading to a rear yard. The latter is used partly for off-street parking with access obtained from Parsonage Road. The property adjoins 19 and 21 Egerton Crescent to one side and there are residential properties on the opposite side of Egerton Crescent and to the rear which front onto Parsonage Road.

5. The property is currently used as a six bedroom house in multiple occupation (HMO). There is one bedroom on the ground floor, a further four bedrooms on the first floor and one within the roof space. The proposed change of use of the property to an eight bedroom HMO would be achieved by converting the basement into a lounge and kitchen and reconfiguring the existing accommodation above. Lightwells would be inserted in the front and rear elevations of the building to provide natural light to the basement.
6. Since the property is already in use as an HMO, the proposal would not increase the number of HMOs in the area. Any differing patterns of activity associated with this use, as compared to a family home, will be an established part of the area. The addition of two bedrooms would result in a more intensive use of the property, but there is no substantive evidence before me to suggest that the existing HMO, or indeed other HMOs in the area, have caused adverse effects in relation to noise and disturbance (for example, in the form of noise complaints) or that the proposal would exacerbate such issues.
7. The proposed additional bedrooms and occupiers would generate further comings and goings. I also note that the new accommodation in the basement would adjoin the party wall with Nos 19 and 21. However, given the existing use of the appeal property, the addition of two bedrooms would be unlikely to result in any significant increase in noise and disturbance to an extent that would compromise the neighbours' living conditions. Moreover, unacceptable levels of noise and disturbance are not the inevitable consequence of HMOs, but rather a question of individual behaviour and appropriate management. I further note that the Council's Environmental Health Officer did not raise any objections.
8. During my site visit I saw that there was limited on-street parking availability in the area. The Council is concerned that no further parking provision is proposed which could lead to increased competition for parking spaces. However, given the site's proximity to a range of facilities on Wilmslow Road and the alternative transport options available, such as bus services, it is unlikely that all existing or future occupiers will own a vehicle. Walking or cycling are realistic options for the occupiers who would not therefore necessarily be dependent on the private car. Furthermore, there is space in the rear yard for about four cars which would go some way to meeting any likely parking needs. Taking these factors into account, the proposal would not result in any significant increase in competition for parking spaces in the surrounding area.
9. The rear yard is currently used for bin storage and is of sufficient size to provide space for additional refuse storage, if required. Therefore, the proposal would not lead to inadequate management of waste storage or adversely affect the neighbours' living conditions or the street scene as a result.
10. For the above reasons, I conclude that the proposal would not result in an over intensive use of the property or have an unacceptable impact on the living conditions of neighbouring residents. Thus, there would be no conflict with Policies H11, DM1 and SP1 of the Manchester Core Strategy Development Plan Document (2012) which seek to ensure, amongst other things, that development proposals protect the character of the area and the living conditions and well-being of residents. It would also not conflict with paragraph 135 of the National Planning Policy Framework, where this seeks to ensure that development provides a high standard of amenity for existing and future users.

Other Matters

11. The site is within the Withington Conservation Area (WCA). The proposed lightwells are minor alterations which would not adversely affect the appearance of the building and would preserve the character and appearance of the WCA.
12. While I have had regard to the appeal decisions referred to by the Council, I have only been provided with small extracts of the decisions, and I do not have the substantive details of those developments. Consequently, I cannot be sure that they are comparable to the appeal proposal which I have determined on its own merits.

Conditions

13. In addition to the standard commencement condition, I have attached a condition specifying the approved plans for clarity and enforceability. The Council has not suggested any further conditions and none are necessary.

Conclusion

14. For the above reasons, I conclude that the proposal would accord with the development plan and there are no material considerations to the contrary. Therefore, subject to the conditions specified, the appeal should be allowed.

M Ollerenshaw

INSPECTOR