



Appeal Decision

Site visit made on 28 July 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 29 August 2024

Appeal Ref: APP/V4250/W/24/3340736

88 Park Road, Wigan, Greater Manchester WN6 7AQ

- 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 Karl Clarke against the decision of Wigan Metropolitan Borough Council.
 - The application Ref is A/23/95475/CU.
 - The development proposed is change of use from C4, 6 bed, 6 person HMO, to Sui Generis 6 bed, 9 person HMO, with no works required.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 March 2024, after the appeal was made, the Council adopted the Places for Everyone Joint Development Plan Document 2022 to 2039 (the PfE). This now forms part of the development plan. However, it does not replace the policies cited in the Council's reasons for refusal. The parties have been provided with the opportunity to comment on the implications of the PfE to their cases through the appeal process. Therefore, I am satisfied that the interests of the main parties would not be prejudiced by this.

Main Issue

3. The main issues are:
 - i) whether the proposal would provide adequate standards of living accommodation for future occupiers; and
 - ii) the effect of the proposal on the residential amenity of the area, with particular regard to parking.

Reasons

Living accommodation

4. No 88 is a 2-storey terraced dwelling in a row of residential properties. It is in use as a House in Multiple Occupation (HMO) for 6 residents. Bedrooms with ensuite bathrooms are provided over 3 floors and there is a shared kitchen/dining room at ground floor level. Externally, there is a small, enclosed frontage and an enclosed rear yard.
5. The bedrooms proposed as doubles would meet the Council's HMO space standards for double bedroom accommodation for sleeping and living.

However, I understand that a representative for the appellant at the planning committee referred to cooking equipment in each room. If the rooms were bedsits then, except for bedroom no 6, the proposal would not meet the space standards for double rooms for sleeping, living and cooking.

6. However, there is little substantive evidence in relation to cooking equipment in the private rooms, and in any case the communal kitchen/ dining room would remain. Moreover, Wigan Council's Licence of House in Multiple Occupation (HMO) dated 18 August 2022 advises that No 88 is reasonably suitable for occupation by not more than a maximum of 9 households and 9 persons. Consequently, in the absence of robust evidence to the contrary, the proposal would provide adequate internal living accommodation.
7. The Council's Houses in Multiple Occupation Supplementary Planning Document March 2022 (the HMO SPD) advises that provision should be made where possible for outdoor amenity space, in addition to functional space such as for cycle or bin storage and clothes drying. However, it recognises that outdoor space may be limited in or near town centres. In this case, the rear yard area would provide for refuse, recycling and cycle storage together with roughly 20sqm of amenity space. Although similar to the provision for neighbouring dwellinghouses, it would be somewhat constrained for the proposed use if all residents wished to use the space simultaneously. Nevertheless, they would have access to outdoor space and No 88 is also within walking distance of public open space. Furthermore, as noted above, the Council's HMO licence apparently deems the property suitable for the level of occupation proposed.
8. Therefore, I conclude that the proposal would provide an acceptable standard of living accommodation for future residential occupiers. It would accord with the relevant aims of Policy CP17 of Wigan Local Plan Core Strategy Development Plan Document Adopted September 2023 (the LP) and the HMO SPD. It would also accord with the residential amenity aims of the National Planning Policy Framework (the Framework) in this regard.

Residential amenity

9. The appeal property is in the Springfield Local Centre, in a densely developed primarily residential urban area characterised by terraced housing with on street parking. There are parking restrictions to the front of the appeal property terrace, but elsewhere parking is unrestricted.
10. While there are benefits in terms of the type of accommodation provided, the Council recognises that a proliferation of HMOs, with high numbers of unrelated occupiers, can be detrimental to mixed and balanced local communities. It therefore seeks to restrict the concentration and prevent clusters of HMOs. In this case, there is only one other registered HMO within a 50m radius and, as it is several doors away, the principle of HMO use is acceptable in this location.
11. The proposal would allow 3 of the existing HMO rooms to be occupied as double bedrooms by couples who, as acknowledged by the Council, are likely to be in a relationship and to have similar lifestyle patterns. There would be an increase in comings and goings to the property as a result of 3 additional residents. However, there is little substantive evidence that the level of activity would be significantly different to the existing situation or to the level of activity associated with family homes in the area, taking into account potential family sizes and comings and goings including by visitors. Moreover, on the basis that

the principle of HMO use is acceptable, the proposal would not be detrimental in terms of the balance and mix of the local community.

12. In common with other terraced properties locally, there is no off street parking provision for No 88 and the occupiers park their vehicles on the surrounding streets. I understand that only around half of the existing occupiers own a vehicle and there are no restrictions on parking by existing occupiers. Irrespective, the proposal could result in on street parking by 9 residents' vehicles. This would likely be far in excess of the average number of vehicles associated with nearby properties in use as family dwellinghouses.
13. The proposal would provide secure cycle parking for each occupier and the appeal property is accessibly located with regard to shops and services, employment opportunities, open space and public transport. Consequently, there are realistic alternatives to private car journeys and future occupiers would not necessarily need access to a vehicle on a daily basis. Irrespective, there would be no control over the number of vehicles that future occupiers might seek to park on nearby streets or on their visitors travelling by car.
14. The third party representations indicate that the surrounding streets are already under heavy parking pressure, to the detriment of existing residential amenity. In this regard, notwithstanding that there may be only 1 licensed HMO within 50m of the appeal property, reference is made to several properties in the area in use as smaller HMOs.
15. The appellant has provided Google streetview photographs of parts of Park Road, Victoria Avenue, Hardy Street and cul-de-sacs on the opposite side of the road. While these show on street parking spaces, there is little information about the time of day or year of the photographs. The photographs are a snapshot in time only and they do not constitute a parking survey for the purposes of demonstrating adequate parking capacity to absorb the potential parking demand. It has not been demonstrated that the existing or proposed level of parking demand could be met without significant overspill onto surrounding streets with consequent inconvenience to the local residential occupiers.
16. The Council's parking standards are based on the number of bedrooms in a property and not the potential number of residential occupiers. As the proposal would not increase the number of bedrooms, there is no policy requirement for additional parking spaces to be provided. Furthermore, the proposal was not refused on grounds relating to unacceptable impacts on highway safety and the proposal would not result in severe cumulative impacts on the road network.
17. However, notwithstanding that each of the existing occupiers could park a vehicle on the surrounding streets, the proposal would result in parking by up to 9 residents' vehicles plus visitors' vehicles. Taking into account that other properties locally are apparently in use as smaller HMOs, I find the proposal would contribute to significant parking pressure in the area. Particularly for vulnerable persons such as the elderly and those with children, the displacement of parking away from their homes would be detrimental to their residential amenity.
18. Therefore, I conclude that the proposal would harm the residential amenity of the area, with particular regard to on street parking pressure. It would conflict with LP Policies CP7 and CP17, saved Policy A1S of Wigan Replacement Unitary

Development Plan and Policy JP-P1 of the PfE. These require, among other things, that proposals ensure appropriate parking provision so as to avoid adverse impacts on communities, residential amenity and quality of life; and that they are functional and convenient, enabling people and uses to act efficiently and with minimal effort.

Other Matters

19. Nearby residential occupiers have raised concerns including in relation to littering and fly tipping, fire safety from overcrowding, and the impact of HMOs on the character and appearance of the area and potentially on the saleability of houses and house prices. The additional pedestrian activity associated with the extra occupiers, likely the partners of existing occupiers, would not be materially different to the current use. Potential impacts on house prices are not a material planning consideration in the appeal. There is little substantive evidence that the proposal would be a fire risk. There would be adequate provision for waste and recycling storage and I have little reason to think that existing or future occupiers would use nearby back alleys for fly tipping.
20. The Framework supports the government's objective of significantly boosting the supply of homes. In this regard, HMOs provide lower cost and flexible housing that contributes to housing choice and the supply of housing. However, while the proposal would accommodate an additional 3 people, there would be no additional units of accommodation. Moreover, while it might be lower cost housing, it would be market housing and not affordable housing. The proposed conversion of 3 single rooms to 3 double rooms, which the appellant acknowledges might not be occupied by two people for months or even years at a time, would make a negligible contribution to the supply of housing.

Conclusion

21. For the reasons set out above, the proposal would provide a reasonable standard of living accommodation for future occupiers. However, it would harm the residential amenity of the area. As such, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
22. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR