



Appeal Decision

Site Visit made on 20 August 2024

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 10 September 2024

Appeal Ref: APP/U4230/W/24/3340962

118 Fitzwarren Street, Salford M6 5RS

- 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 Usman Aslam against the decision of Salford City Council.
 - The application Ref is PA/2023/0246.
 - The development proposed is described as 'change of use from C3 dwelling to 4 bed, 4 person HMO C4 and internal alterations'.
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Decision

1. The appeal is dismissed.

Procedural 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 Supplementary Planning Document 'Houses in Multiple Occupation' (HMO) (SPD) was also adopted on 4 June 2024. The main parties have been given the opportunity to comment on these matters during the appeal process, which I have had regard to in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character of the area with particular reference to the balance and mix of housing, community stability and social cohesion.

Reasons

4. The appeal relates to a mid-terrace house that is located within a predominantly residential area. The prevailing character of the area is of close-knit 2 storey terrace rows.
5. Policy F3 of the Salford Local Plan: Development Management Policies and Designations, 2023 (Local Plan) requires that all places and developments should be as inclusive as possible. Policy H1 is an overarching housing policy which requires, amongst other things, for 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.
6. Policy H10 of the Local Plan seeks to carefully control the conversion of existing houses to HMOs to ensure that a good supply of houses is maintained and to protect the positive character of neighbourhoods. This is due to the transitory nature of some uses that have a relatively rapid turnover of occupants.

As such, a high concentration of them can adversely affect the stability of a neighbourhood.

7. Policy H10 goes on to set out that such conversions will only be permitted where it can be demonstrated that, either individually or cumulatively with other completed developments and schemes with planning permission or prior approval, it would not result in any house that is in use as a single dwelling being immediately adjacent to more than one property in use as a HMO. Immediately adjacent properties include properties directly behind and opposite, as well as to either side.
8. The wider surrounding area is covered by an Article 4 Direction which removes permitted development rights that allow a change of use of a dwellinghouse to a small HMO. This was introduced due to concerns about clusters and over concentrations of HMOs within some areas of the city and the impact this was having on community balance and local amenity.
9. The Council's SPD provides useful guidance on avoiding the concentration of HMOs. It advises that planning permission will not normally be granted for new HMOs where the proportion of HMOs already exceeds 10% of all residential properties within a 100-metre radius of the application property; or the proportion of HMOs would exceed 10% of all residential properties within this radius as a result of a proposed new HMO.
10. I have no substantive reason to disagree with the Council's latest map and evidence, which indicates that over 10% of properties within 100 metres of the site are in use as HMOs. I am informed that this map is not publicly available. However, the SPD sets out that where there is clear evidence that there are other HMOs relevant to the consideration of individual planning applications that are not identified on its interactive map, it will take these into account as part of the decision-making process. It is unclear whether this latest evidence includes selective HMOs, however there is little before me to suggest that the highlighted properties are not currently in use as HMOs or are not likely to continue to be so. As such, they must be considered at the time of making my decision and I am unable to discount them. In the absence of any substantive evidence to the contrary, I therefore find there to be an overconcentration of HMOs in the locality.
11. Furthermore, the proposal would result in the loss of a single family dwellinghouse and the introduction of another HMO, thus adding to the overconcentration of HMOs in this locality. As there is already a HMO at 155 Highfield Road, a single dwelling, at 116 Fitzwarren Street, would be located immediately adjacent to more than one property in use as an HMO. The intervening alleyway between these properties, which is gated at both ends of the terrace row to prevent access by non-residents, does not form a strong physical barrier or a limited instance where the SPD's 10% threshold may be exceeded.
12. This would further unbalance the mix of property types, and although No 116 may be a rented property, would see the introduction of more unrelated occupiers who tend to be more transient. As a result, it would unacceptably weaken community stability and social cohesion and negatively alter the character of the area. Consequently, it would conflict with Policies F3, H1 and H10 of the Local Plan, and guidance within the National Planning Policy

Framework (the Framework) which seeks to achieve mixed and balanced communities.

13. The Council's reason for refusal also refers to paragraphs 92 and 130 of the Framework. However, these relate to the vitality of town centres and achieving appropriate densities and are not relevant to the main issue of this appeal.

Other Matters

14. The delegated planning officer report confirms that the proposal meets the Council's internal space standards for HMOs and does not raise any objections in respect of noise, disturbance, highways and parking or waste management. This includes the provision of secure cycle and bin storage. However, these issues are not in dispute between the main parties and the absence of harm in this respect does not weigh in favour of the proposal. The lack of objections from internal consultees and local residents are also not determining factors in the consideration of an appeal.
15. Benefits of the proposal put forward by the appellant include the efficient use of land; the future economic contribution to the area from the occupants of the HMO; its accessible location near to Manchester and Salford, and jobs, facilities and services. Its good public transport links, reducing the need to travel, along with the provision of low-cost affordable housing that could provide living accommodation for the growing younger generation have also been referred to in support of the proposed scheme.
16. Nonetheless, a family could also contribute to the local economy, and it would also have access to jobs, services and public transport so there would be no discernible benefits in these respects. Furthermore, the change of use would not add to the housing supply. I also have no reason to suppose that prospective occupiers would be restricted to younger people who would not be likely to own and rely on the car to travel. Whilst I appreciate that a family could be a group of adults, a HMO is far more likely to contain more adults than a family house and family occupants are more likely to share cars.
17. As such, these factors do not outweigh or negate my strong concerns about the effect of the proposed development on the character of the area. The proposal would therefore not be sustainable development for which the presumption in favour applies.

Conclusion

18. For the reasons given above, the appeal scheme consequently conflicts with the development plan and there are no material considerations that warrant taking a decision otherwise than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR