



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: 23 September 2024

Appeal Ref: APP/U4230/W/24/3339920

5 Middlebourne Street, Salford M6 5QY

- 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 Joseph Brandies of C and Y Estates against the decision of Salford City Council.
 - The application Ref is PA/2023/0397.
 - The development proposed is the change of use of residential dwelling into a 4-bedroom HMO.
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Decision

1. The appeal is dismissed.

Procedural Matter

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 in a short cul-de-sac within a predominantly residential area. The prevailing character of the locality is of close-knit 2 storey terrace rows.
5. Policy H10 of the Salford Local Plan: Development Management Policies and Designations, 2023 (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.
6. 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. Whilst the appellant has referred to the Collin's Dictionary definition of 'adjacent', Policy H10 provides clarity in stating that 'immediately adjacent properties' includes properties directly behind and opposite, as well as to either side.

7. The 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.
8. The Council's SPD also 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.
9. An appeal decision must be made taking into account national and local policies, and the broader circumstances in place at the time of the decision. Thus, although the SPD was adopted after the Council's decision notice was issued, it has been subject to public consultation and is a material consideration at the time of making my decision.
10. I have no reason to question 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 and the Council's previous evidence are 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. In the absence of any substantive evidence to the contrary I am unable to discount this information, and therefore find there to be an overconcentration of HMOs in the locality.
11. Although there may be demand for this type of affordable accommodation in this area, the proposal would result in the loss of a single family dwellinghouse and the introduction of another HMO, thus adding to the already high concentration of HMOs in this locality. As there is already a HMO at No 8 the outcome would be 2 single dwellings at Nos 6 and 7 being immediately adjacent to more than 1 property in use as an HMO. This would further unbalance the mix of property types and see the introduction of more unrelated occupiers who tend to be more transient.
12. Accordingly, the proposed development 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. Amongst other things, these seek to ensure that new residential developments contribute to the provision of a broad mix of housing options across Salford, to ensure that a good supply of houses is maintained and that the positive character of neighbourhoods is protected. Conflict would also arise with the National Planning Policy Framework which seeks to achieve mixed and balanced communities.

Other Matters

13. The delegated decision report confirms that the proposal meets the Council's internal space standards for HMOs. Nonetheless, this is not in dispute between the main parties and the absence of harm in this respect does not weigh in favour of the proposal. Equally, the lack of an objection from local residents is not a determining factor in the consideration of an appeal.
14. Whilst the appellant's frustration in respect of the Council's lack of communication before making the decision is noted, this factor has not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me. Furthermore, Local Plan Policy H10 was adopted in 2023, and not in 2024 as the appellant suggests. There is also little before me to demonstrate that any pre-application planning advice was sought prior to submitting the application. Although not critical to the outcome of this appeal, it would have likely provided an up-to-date and better understanding of the constraints on development and, in turn, could have also saved the expense that the appellant has referred to.
15. These matters therefore do not overcome or outweigh the unacceptable harm that I have identified in respect of the main issue of this appeal.

Conclusion

16. 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