



Appeal Decision

Site visit made on 15 October 2024

By L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/B4215/W/24/3343958

80 Braemar Road, Manchester M14 6PG

- 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 J O'Hara against the decision of Manchester City Council.
 - The application Ref is 139393/FO/2024.
 - The development proposed is change of use of dwelling to small house in multiple occupation (Use Class C4).
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Decision

1. The appeal is allowed and planning permission is granted for change of use of dwelling to small house in multiple occupation (Use Class C4) at 80 Braemar Road, Manchester M14 6PG in accordance with the terms of the application, Ref 139393/FO/2024, 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 drawing nos: Location plan with a red edge Ref: TP2.1; Plans - Existing Ref: TP3.1; Elevations - Existing TP5.1; Elevations - Existing TP5.2; Perspective 01 WD9.1; Perspective 02 WD9.2; Perspective 03 WD9.3; Perspective 04 WD9.4 and Waste Management Plan, Planning application for the use as a small house in multiple occupation (Use Class C4) 80 Braemar Road Manchester M14 6PG.
 - 3) The development hereby permitted relates to the formation of a 3 no. bedroom HMO.

Applications for costs

2. An application for costs was made by Mr J O'Hara against Manchester City Council. The costs application is the subject of a separate decision.

Preliminary Matters

3. A section of Policy SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS), referenced in the Council's reasons for refusal, has been superseded by Policy JP-S1 of the Places for Everyone Joint Development Plan Document which was adopted on 21 March 2024. I have had regard to this when determining the appeal.
4. The Council's first reason for refusal did not cite Policy H11 of the CS which relates to Houses in Multiple Occupation (HMOs). Both the Council and the appellant reference this policy in their appeal submissions and the policy was

referenced in the Council's second refusal reason. I therefore will not prejudice any party by considering CS Policy H11 in relation to the first reason for refusal.

Main Issues

5. The main issues are the effect of the proposed development on:
- the supply of family housing and the formation of cohesive and sustainable neighbourhoods; and
 - the living conditions of neighbouring occupiers, with particular regard to amenity space, noise and disturbance.

Reasons

Supply of family housing

6. The appeal site, 80 Braemar Road (No 80), is a small mid-terraced property in an area containing a high concentration of HMOs. The appellant has drawn my attention to a survey undertaken in 2020 in relation to an application for a change of use from a C3 dwelling to an HMO at the next-door property, 78 Braemar Road (No 78) which was allowed on appeal in 2021¹. The survey could not ascertain the occupation of 5 properties, but of the 169 properties within a 100m radius of the property where occupation was established, only 42 properties were occupied as single dwelling houses. This equates to less than 25% of the housing stock. The remaining properties were in multiple occupation. Thus, the appellant's survey put the concentration of HMO's within 100 metres of the appeal site at roughly 75% of properties. Although the survey was undertaken in 2020, I have no evidence before me to indicate that the situation has changed. Whilst certain sections of Braemar Road have a larger percentage of owner-occupied homes, overall the number of HMOs in the vicinity is notable.
7. CS Policy H11 relates to development proposals for HMOs. The policy explains that the change of use from a dwelling to an HMO will not be permitted where there is a high concentration of properties within a short distance of the site which are occupied by full time students, are recorded as a licensed HMO, or can be demonstrated to fall within a C4 or sui generis use class. Given the high proportion of HMOs within a short distance of No 80, the proposal conflicts with Policy H11.
8. HMOs can lead to a change in certain characteristics of an area, with a larger proportion of younger residents, high levels of resident turnover, and 'ghost town' syndrome caused by the absence of many residents outside term times. However, given the high proportion of HMOs in the vicinity, the proposal would not change the existing balance of housing in the local area with a further HMO not altering the character of the area.
9. The formation of cohesive and sustainable neighbourhoods requires provision for a mixture of households, and this includes families. No 80 is currently in use as a two-bedroomed C3 dwelling house, rather than an HMO, and so the proposal would further erode the number of remaining properties used as dwellinghouses and go against the increase in availability of family dwellings

¹ APP/B4215/W/20/3261807

that the Council is seeking to encourage. The dwelling is capable of being lived in by a family, and there are local parks and facilities nearby. Moreover, the Council have drawn my attention to information from the Manchester Move Housing Register, along with information on the city's social housing allocation scheme. This information indicates the long wait for family homes in the city.

10. The appeal property, however, is in private ownership and has been marketed from December 2022 to January 2024. The appellant considers that the property would no longer attract a family due to the large number of surrounding properties that are in use as HMOs. The appellant has submitted letters from a local estate agent which support this view and indicate that it has failed to attract a buyer. The owner could not sell the property as an HMO, as it did not have the required permission, and there is no substantive evidence that the property was not marketed at a reasonable price to attract people wishing to purchase a family home. I therefore agree that the high number of HMOs in the area surrounding the site would likely form a deterrent to families choosing to purchase the property.
11. Appeal decisions have been provided by both the appellant and the Council in support of their respective cases. Whilst it is inevitable for comparisons to be made, each case will have its own site-specific circumstances and merits upon which it is considered. I note, for example, that the properties at 31 Northdale Road and 17 Northen Grove are five-bedroomed semi-detached properties.² The appeals at 53 Furness Road, 73 Furness Road and 69 Brynorne Road³ indicated that little marketing evidence had been provided in support of the appeal. The appeal at 59 Egerton Road related to an extension to an existing nine bedroomed HMO.⁴ The appeals at 41 Station Road, 77 Averill Street, 100 North Road and 13 Vaughan Street⁵ related to properties in another part of the city with differing characteristics and different concentrations of HMOs. As such, these schemes do not appear to be directly comparable to that which is before me.
12. I have had regard to the appeal for a similar proposal at the next door property, No 78, which was allowed on 23 March 2021.¹ In that decision, the Inspector noted that the concentration of HMOs already present in the area surrounding the site, and the apparent focus of the existing housing market towards HMOs, represented a material consideration of significant weight. Thus, the Inspector was not convinced that the proposal would adversely affect the character or sustainability of the area surrounding the site or undermine the Council's strategic objectives to form inclusive, mixed and cohesive communities. The proposal, site context and relevant issues in that appeal are directly comparable to the appeal before me and, given its proximity, I have given it significant weight in reaching my decision.
13. Consequently, I conclude that the proposal would not harmfully reduce the supply of family housing, nor undermine the formation of cohesive and sustainable neighbourhoods. Whilst there would be conflict with CS Policy H11, the proposal would comply with CS Policies SP1, H1, H6 and DM1, which seek to ensure development meets local housing need and has regard to the

² APP/B4215/A/13/2199702; APP/B4215/W/19/3234087

³ APP/B4215/W/21/3266765; APP/B4215/W/21/3273744; APP/B4215/W/22/3300081

⁴ APP/B4215/W/16/3149338

⁵ APP/B4215/A/13/2195179; APP/B4215/W/21/3277884; APP/B4215/W/23/3317958; APP/B4215/W/22/3296860

character of the area. Therefore, when the development plan is considered as a whole, the conflict with CS Policy H11 is clearly outweighed.

Living conditions

14. The proposed HMO would have three bedrooms, which could accommodate up to six people. Unrelated individuals who share a house may have different patterns of behaviour from each other and from families, which may result in more comings and goings at different times. However, due to the high concentration of HMOs in the vicinity, any differing patterns of activity associated with this use, as compared to a family home, will be an established part of the neighbourhood.
15. The limited number of bedrooms in the proposed HMO would not result in a significantly greater number of occupants than could be the case were the property to remain as a family dwelling, and as the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it as the proposed HMO, I do not consider that the change to an HMO would be likely to materially affect the living conditions of neighbouring occupiers directly.
16. Whilst the rear amenity space is of a modest size, it would provide a safe and secure, private, functional and usable area, albeit small, for sitting out and storage. I also observed a number of recreational spaces within walking distance in the area. With this in mind, I consider that the outdoor amenity space would be of a sufficient size to meet the needs of the occupiers of No 80. Moreover, whilst any noise from use of the rear amenity area would be audible at neighbouring properties there is no indication that this would be significantly greater than the noise generated by a family.
17. I conclude that the proposal would not have a detrimental impact on the living conditions of neighbouring occupiers with regard to amenity space, noise and disturbance. As such, it would not conflict with Policies H11, DM1 and SP1 of the CS which seek to ensure that development does not adversely impact amenity and considers the needs of all members of the community.

Other Matters

18. Interested parties have raised concerns, a number of which have been covered in my consideration of the main issues. I have not been provided with substantive evidence that the proposal would lead to an unacceptable increase in antisocial behaviour or crime.
19. The waste generated by occupiers of an HMO is likely to be comparable to that of occupants of a family dwelling. I have secured a condition to ensure that the development must be carried out in accordance with the waste management plan, which the appellant has provided to ensure the provision of satisfactory arrangements for the collection and storage of waste.
20. Whilst sound and smells may carry more easily into neighbouring properties from terraced properties, I do not consider that this would occur any less were the dwelling to be occupied by a family.
21. From my observations during my site visit I noted that there were a number of on-street parking spaces available. Furthermore, as the appeal site is close to local facilities, the university, and public transport links, the proposal is in an

accessible location which would mean that occupants would not need to rely on the use of a private car. I note that the Council did not raise parking or highway concerns, and from the evidence before me and observations on my site visit, I see no reason to disagree.

22. Whilst I note that the Council refused the application, the appellant has a right to appeal the Council's decision. I also note that there is an Article 4 Direction in the area. This removes permitted development rights in respect of a change of use from C3 to C4 but does not prevent an application for the change of use. From the plans before me I consider that the property would provide sufficient internal living space for future occupants. The issue of students not having to pay Council Tax is outside the remit of this appeal. I acknowledge that there are other places for students to live in Manchester. However, I have determined the proposal before me and concluded that it would be acceptable.

Conditions

23. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions, making amendments, where necessary, to ensure clarity and compliance.
24. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty. It is reasonable and necessary to impose a condition restricting the use of the property to an HMO with 3 bedrooms in order to ensure a suitable quality of accommodation and safeguard the living conditions of neighbouring occupiers.

Conclusion

25. For the reasons given above, I conclude that the proposal would comply with the development plan when taken as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
26. As a result, the appeal should be allowed.

L C Hughes

INSPECTOR