

Appeal Decision

Site visit made on 29 October 2024

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2024

Appeal Ref: APP/U4230/W/24/3345691
27 Park Avenue, Swinton, Salford M27 4TZ

- 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 Gid Rich Project Ltd against the decision of Salford City Council.
 - The application Ref is PA/2023/0468.
 - The development proposed is the change of use from small HMO to 10 bedroom HMO (sui generis use class) including the construction of a rear dormer and rear side dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties, with reference to noise and disturbance.

Reasons

3. The appeal site comprises a mid-terrace property consisting of two-storeys with a basement that is currently used as a 6-bedroom House in Multiple Occupation ("HMO"). The terrace, of which the appeal site forms part, is set behind small front gardens beyond which is a pavement and the boundary to Victoria Park. Yards/gardens are located to the rear of the terrace and a passageway separates them from a terrace of similar properties behind. The surrounding area has a tranquil character due to the absence of a road to the front of the property.
4. It is proposed to change the use of the property from a 6-bedroom HMO with a maximum of 6 occupants to a 10-bedroom HMO with a maximum of 10 occupants. To facilitate the additional bedrooms, an L-shaped dormer would be constructed to the rear of the property and the internal layout would be reconfigured.
5. There are some HMOs within the surrounding area, however, there does not appear to be a proliferation. Consequently, I do not accept the Council's assertion that the proposal would reduce community stability or social cohesion.
6. The property is physically attached to 25 and 29 Park Avenue which, the Council state, are in use as single dwellinghouses. From the information before me and what I witnessed on my site visit I have nothing to disagree. The neighbouring properties' windows and doors are in proximity of the appeal site and the appeal site's rear yard adjoins the yards of the neighbouring

properties. Consequently, there is a close relationship between the appeal site and No 25 and 29.

7. The occupiers of a HMO are likely to lead independent lives from one another. Taking account of the activity generated by ten people living independent lives, with separate routines, and their associated comings and goings along with those of their visitors and deliveries, the proposal would lead to a significant increase in the level of activity and an intensification in use when compared to that associated with a small HMO with up to six occupants. Consequently, due to the property's close relationship with No 25 and 27, the proposal would have an adverse effect on the living conditions of the occupiers of these neighbouring properties through an unacceptable increase in noise and disturbance.
8. I have been directed to a planning approval at 15 Park Avenue¹, within the same terrace as the appeal proposal. However, the permission was for an 8-bedroom HMO. I have also been directed to a planning approval at 77 New Lane, Eccles² for a 10-bedroom HMO. However, the property consisted of an end terrace and is a significant distance from the appeal site. Consequently, both examples are not directly applicable to the appeal proposal. In any event, I must determine each case on its own merits.
9. The appellant asserts that the property would be inhabited by professional people who would be looking to secure a longer-term tenancy. However, I do not have a mechanism before me to control the occupiers of the property. The appellant states that the property would be managed in a way in which antisocial or unneighbourly behaviour would not be tolerated. However, I have not been provided with any substantial evidence regarding how the property would be managed to determine whether it would be effective in preventing such incidents from occurring.
10. I acknowledge that the proposal attracted only one objection from an interested party. However, the lack of objection does not indicate support for the proposal. I acknowledge statutory consultees raised no objection to the proposal. However, the Council did not raise concern regarding highway safety, space standards for a HMO, air quality or land contamination. While the Council's Environment Officer raised no objection to the proposal in respect of noise, this is a recommendation and does not prevent the Council or myself from coming to a different view.
11. The appellant asserts the proposal would meet a need for HMO accommodation in the area and that HMO housing needs and any negative aspects associated with HMO properties are best served by extending existing HMOs rather than a proliferation of small HMOs. However, these assertions have not been substantiated with evidence.
12. In reference to the main issue, the proposal would harm the living conditions of the occupiers of neighbouring properties, with reference to noise and disturbance. It would conflict with Policies H10 and D5 of the Salford Local Plan Development Management Policies and Designations, adopted 2023 which, amongst other things, will only permit the conversion of an existing dwelling into a HMO if it can be demonstrated that it would not have an

¹ Planning Ref 18/72745/FUL

² Planning Ref 23/81417/FUL

unacceptable impact on the positive residential character of the surrounding neighbourhood having particular regard to potential increases in noise and disturbance, and does not have an unacceptable impact on the amenity of the users of other buildings and spaces.

Other Matters

13. The Council's officer report states in the banner heading that the proposal is recommended for approval with conditions. Also, the decision notice includes a statement under Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 explaining how, in dealing with the application, the Council offered solutions to the appellant to make the development acceptable, but the appellant was unwilling to amend the plans. These statements appear to have been an oversight, however, they have not prevented me from determining the appeal.

Conclusion

14. For the reasons set out above, having regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

A Berry

INSPECTOR