



Appeal Decision

Site visit made on 10 December 2024

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/B4215/W/24/3345325

18 Schuster Road, Manchester M14 5PE

- 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 R Keegan against the decision of Manchester City Council.
 - The application Ref is 139652/FO/2024.
 - The development is change of use from dwelling to large HMO.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from a dwelling to a large HMO at 18 Schuster Road, Manchester M14 5PE in accordance with the terms of the application, Ref 139652/FO/2024, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the drawings entitled "Location Plan 1:1250@A4"; "9 bedroom end of terrace house for sale in Schuster Road, Victoria Park, M14" dated 3/19/24; and "18 Schuster Rd: Bin Store (amended)".

Preliminary Matters

2. The appellant has indicated on the application form that the development started and finished in October 2022. The Council assessed the application as if it was to regularise an existing use. I have therefore considered the proposal as a retrospective application.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I sought submissions from the parties on this matter. The appellant provided a response. I have considered their additional submissions alongside their original representations when determining the appeal.
4. On the same date, the Government published the results of the 2023 Housing Delivery Test (HDT). In the three years preceding the results, 129% of Manchester's housing requirement was delivered. This is down from 191% which was the measurement in the 2022 HDT. However, as the Council continues to overperform in this regard and the consequence of the result has not changed, it was not necessary for me to consult the parties on the latest results.

Main Issue

5. The main issue is the effect of the proposal on the balance of the housing market in the area, with particular reference to maintaining a sustainable neighbourhood and cohesive housing market.

Reasons

6. Policy H11 of Manchester's Local Development Framework, Core Strategy Development Plan Document, July 2012 (CS) indicates that the change of use from a C3 dwelling house to a C4 house in multiple occupation (HMO) will not be permitted where there is a high concentration of student accommodation, HMOs, or properties falling within Use Class C4 within a short distance. The Policy explains that this provision would also apply for change of use to a HMO which would be classified as a sui generis use. It is agreed that the appeal property is located within an area where there is a high concentration of shared accommodation. Therefore, the appeal proposal conflicts with CS Policy H11.
7. The objective of CS Policy H11 is to protect the amenity of neighbouring residents and to maintain the sustainability of neighbourhoods. The supporting text identifies the importance of families when providing a mix of housing because they support a range of facilities and have a greater commitment to the area. The CS explains dwellings with 3 or more bedrooms are considered suitable for accommodating families and proposals which result in the loss of these properties would need to be supported by specific evidence of a marketing campaign.
8. Only two properties (11%), including the appeal property, within the western courtyard of the Schuster Road estate are suitable for accommodating families, as per the Council's definition. The remaining properties are either HMOs, student accommodation, or apartments. Therefore, the area is characterised by the proliferation of shared accommodation and apartments. Although the proposal has led to the loss of a property suitable for accommodating a family, the conversion to a HMO has not had a discernible effect on the character of the area.
9. The appellant has provided limited evidence of the property being marketed with a local agent since March 2024. There is no information on how the property has been marketed, including where it was marketed, and for what price. However, they have indicated there has been no interest from anyone considering buying the property as a private dwelling. The agent has also indicated that the property is unlikely to attract a buyer due to the high density of HMOs on the estate. Furthermore, in the appeal decision¹ for 43 Schuster Road, dating from 2014, the Inspector notes that a marketing campaign of that property only led to interest from young professionals. This is an indication that the property market in the area is concentrated on the provision of shared accommodation and has been for some time. Although there appears to be some unmet demand for larger properties in Manchester, when larger properties have been marketed in this area there has been little to no interest in them being used as family dwellings.
10. The Council acknowledge that the effect of the change of use of one property has a minimal impact, but its concern is with the saturation of HMOs. I appreciate the Council has set a threshold for the concentration of HMOs to try and maintain sustainable housing markets. But in this area that threshold has been well surpassed, and the saturation of HMOs has occurred. In this instance the conversion of the property from a family-sized dwelling is a benefit as it is likely to improve social cohesion in the immediate area as it reduces the conflict between family housing and the high concentration of shared/student accommodation within the courtyard. In turn, it improves the living conditions of occupiers of the appeal

¹ Appeal Decision Ref. APP/B4215/A/14/2211026, issued: 29 May 2014

property and neighbouring properties. Moreover, there is no evidence that the saturation of HMOs has had a negative effect on local services and the effect on community cohesion of the wider area is negligible given the prevailing character.

11. CS Policy SP1 indicates that the city is covered by regeneration areas and that all development should have regard to the character, issues, and strategy for each area. CS Policy H5 concerns Central Manchester regeneration area and seeks to prioritise family housing and other high value, high quality development. It does not restrict the conversion of family-sized dwellings to HMOs. Priority was given to retaining the appeal property as a family-sized dwelling. However, for the reasons given the change of use is beneficial and conserves the character of the area. Therefore, the proposal complies with these policies.
12. Overall, the proposal conflicts with CS Policy H11. However, the proposal does not have a harmful effect on the balance of the housing market in the area, with particular reference to maintaining a sustainable neighbourhood and cohesive housing market. Whilst there is a conflict with CS Policy H11, there are specific circumstances which justify a departure from the Policy in this instance.

Other Matters

13. The appeal property is located within the Victoria Park Conservation Area (CA). Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The CA is characterised by large traditional properties set within spacious grounds surrounded by higher density properties. The proposal is for the conversion of the appeal property from one residential use to another and does not include any external alterations. The proposal therefore preserves the character and appearance of the CA.
14. The appeal property is also located next door to the Grade II listed Denison House². Under Section 66 of the LBCA Act I have a statutory duty when considering whether to grant planning permission which affects the setting of a listed building, to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Denison House is a 19th Century Villa which includes traditional detailing; it is set within spacious grounds. The property has well defined boundaries comprising tall fences and dense vegetation which clearly delineates its grounds. The appeal proposal does not encroach upon this area and does not include any external alterations. Therefore, it preserves the setting of the Grade II listed Denison House.

Conditions

15. The Council has indicated the conditions that it considers would be appropriate. I have considered these in light of the guidance contained within the Framework. A condition specifying approved plans is necessary in the interest of certainty. A condition requiring the waste management strategy to be implemented is not necessary as the property already includes sufficient space to store an appropriate number of bins and the strategy sought to continue the existing collection arrangements.

² List entry number: 1217825

Conclusion

16. The development conflicts with the development plan, when considered as a whole, but material considerations indicate that a decision should be made other than in accordance with it. Therefore, the appeal is allowed, and planning permission is granted.

J Hobbs

INSPECTOR