



Appeal Decision

Site visit made on 12 November 2024 by Darren Ellis MPlan MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2025

Appeal Ref: APP/U4230/W/24/3337604

109 Seedley Park Road, Salford M6 5WU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Egan against the decision of Salford City Council.
 - The application Ref is 23/82032/COU.
 - The development proposed is 'Change of use from 3 bedroom C3 dwelling to 4 bedroom C4 House of Multiple Occupancy.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Prior to the making of this recommendation, a revised National Planning Policy Framework (the Framework) was published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal and that proceeding without further consultation with the main parties would not be prejudicial to their respective cases.
4. Since the determination of the original application, both the Places For Everyone Joint Development Plan Document (PfE) (March 2024) and the Salford City Council Supplementary Planning Document Houses in Multiple Occupation (SPD) (June 2024) have been adopted. Both parties have had the opportunity to comment on these documents, and I have taken their comments into consideration in my assessment below.

Main Issues

5. The main issues are the effect of the proposal on the mix and supply of housing, having regard to the level of Housing in Multiple Occupation (HMO) in the surrounding area including the effect on residential character and the living conditions of occupiers of neighbouring properties.

Reasons for the Recommendation

6. The appeal property is a mid-terrace, two-storey dwelling located within a residential area. The proposed change of use would allow for a small HMO for up to 6 residents. This type of change of use is normally permitted under the
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Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for planning permission. However, the Council has introduced an Article 4 Direction in the area to remove this permitted development right.

7. Policy H10 of the Salford Local Plan: Development Management Policies and Designations (2023) (LP) states that conversions to HMOs will only be permitted where it can be demonstrated that the proposal would not, either individually or cumulatively: 1) have an unacceptable impact on the positive residential character of the surrounding neighbourhood; 2) result in the infrastructure capacity of the site or local area being exceeded; and 3) result in any house that is in use as a single dwelling being immediately adjacent to more than one HMO.
8. The Council estimates that, including the appeal site, 7.5% of the properties within 100m would be HMOs. On this basis the proposal would not exceed the guidance in Policy HM01 of the SPD which sets out new HMOs would not normally be granted planning permission where the proportion of HMOs already exceeds or would exceed 10% of all residential properties within a 100-metre radius of the application property. It would also accord with LP Policy H1, insofar as it requires residential developments to contribute to the provision of a broad mix of housing options.
9. However, the evidence provided by the Council indicates that 107 Seedley Park Road (No 107) is a single dwelling that as a result of the appeal proposal would be sandwiched between HMOs at 105 and 109 Seedley Park Road. Furthermore, 55 and 57 Langton Street (Nos 55 and 57) are also single dwellings, sited to the rear of the existing HMO at 111 Seedley Park Road and the appeal site. Consequently, the proposal squarely contravenes the requirement at Criteria 3) of Policy H10 and this has not been disputed by the appellant.
10. The conflict with Criteria 3) of Policy H10 indicates that there would be a localised over-concentration of HMOs. Moreover, the occupiers of an HMO are likely to live independently with individuals having their own daily routines and visitors. Consequently, the level of comings and goings would likely be markedly different and more intensive than that of a single household. Given the intervening alleyway, this is unlikely to be highly discernible for occupiers of Nos 55 and 57.
11. However, the entrance to the appeal property sits next to the party wall with No 107. Consequently, activity within the proposed HMO and comings and goings would likely be very noticeable to occupiers of the neighbouring single household at No 107. Given the existence of an HMO at No 105, the potential for cumulative effects in terms of noise and disturbance experienced by occupiers at No 107 would be heightened and would have the potential to unacceptably detract from residential character and the enjoyment of their property. Therefore, the proposal also conflicts with Criteria 1) of Policy H10 of the LP.
12. The appellant contends that the wider area has a supply of family housing and affordable housing and that the property is suitably proportioned to be a HMO. There is also no evidence before me to suggest that the proposal would result in the infrastructure capacity of the site or local area being exceeded. Even so, this does not justify the site-specific harm resulting from the concentration of

HMO's either side of No 107 and the conflict with the specific requirements of Policy H10 of the LP. I note that the resident at No 107 supports the proposal, however I must have regard to the living conditions of current and future occupiers of neighbouring properties.

13. I conclude, the proposal would result in a harmful concentration of HMOs which would detract from the residential character of the area and the living conditions of the occupiers of 107 Seedley Park Road. In that regard and for the reasons set out, it would conflict with the specific requirements of Policy H10 of the LP. There would also be conflict with the requirements of Policy F3 of the LP, insofar as it requires developments to be as inclusive as possible including by being free from excessive noise pollution. The proposal would also conflict with Section 12 of the Framework, insofar as it requires development to have a high standard of amenity for existing and future users.

Conclusion and Recommendation

14. For the reasons given above, I recommend that the appeal should be dismissed since it would conflict with the development plan.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR