
Appeal Decision

Site visit made on 28 January 2025

by **N Bromley BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st February 2025

Appeal Ref: APP/U4230/W/24/3347503

11 Boardman Street, Eccles, Salford M30 0FP

- 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 Anthony Pilkington against the decision of Salford City Council.
 - The application Ref is PA/2024/0582.
 - The development proposed is described as “The current C4 use property was an existing 4 Bedroom HMO, and we intend to change to a 7 Bedroom HMO”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party’s interests have been prejudiced by taking this approach.
3. I have assessed the appeal scheme based on the plans before me, but I observed at the time of the site visit that the works were completed, and the building was occupied as a House in Multiple Occupation (HMO). Therefore, the development is retrospective. I have dealt with the appeal on that basis.

Main Issues

4. The main issues raised by this appeal are:
 - the effect of the development on the mix and supply of housing, having regard to the level of HMOs in the surrounding area including the effect on residential character and the living conditions of neighbouring occupiers, in particular 26 Boardman Street; and
 - whether or not the accommodation provides satisfactory living conditions for the occupiers of the property, with regard to the provision of appropriately sized bedrooms (bedroom six and bedroom seven).

Reasons

5. The appeal property is a three-storey mid terrace dwelling within a linear row of properties. There are terrace properties on both sides of the road and the street has a quiet residential character.

6. The Council suggest that the property is the subject of an Article 4 direction (the Article 4), which removes permitted development rights that allow a change of use of a dwellinghouse to a small HMO. It is highlighted that the Article 4 was introduced in a number of wards in Central Salford due to the existing concentration of HMOs and concerns about the impact of clusters of HMOs on community balance and local amenity.
7. Policy H1 of the Salford Local Plan: Development Management Policies and Designations, 2023 (the Local Plan) is an overarching housing policy which requires individual new residential developments to contribute to the provision of a broad mix of housing options across Salford and within the local area, ensuring that identified housing needs can be met. Also, Policy F3 of the Local Plan requires that all places and developments should be as inclusive as possible.
8. Policy H10 of the 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. The policy's supporting text at paragraph 11.40 also identifies that some uses can be quite transitory in nature, having a relatively rapid turnover of occupants, and consequently a high concentration of them can adversely affect the stability of a neighbourhood.
9. Criteria 3) of Policy H10 requires that such conversions should not result in any house that is in use as a single dwelling being immediately adjacent to more than one property falling within those other uses listed at B) to G), which include HMO's. Immediately adjacent properties include properties directly behind and opposite, as well as to either side.
10. 26 Boardman Street (No 26) is a single dwelling, located on the opposite side of the road to the appeal site. No 26 also adjoins 24 Boardman Street (No 24) which is also occupied as an HMO.
11. There is disagreement between the parties about whether the appeal site is 'directly' opposite No. 26, and the appellant has provided a plan which shows the relationship between the appeal site and No. 26. The plan illustrates that at least part of the site is directly opposite No. 26. As such, for the purposes of Policy H10 of the Local Plan, No. 26 is immediately adjacent to more than one HMO. Consequently, there is conflict with Policy H10 of the Local Plan.
12. The occupiers of an HMO are likely to lead independent lives from one another and the level of activity associated with the appeal scheme and the occupiers of No 24 would be markedly different compared to a family. In particular, the turnover rate of occupants of the adjacent HMOs would be significantly higher than No 26, as would the daily comings and goings of the occupiers, including visitors and deliveries. Therefore, the close proximity of the two HMOs would result in cumulative harm to the residential character and enjoyment of the occupiers of No 26 as a single, family home.
13. The appellant claims that prior to the works to convert the building to a seven-bedroom HMO, the property was in use and occupied as a four-bedroom HMO, carried out under Use Class C4 of the Town and Country Planning (Use Classes Order) 1987 (as amended). However, the relevant method of establishing such a position is through a Certificate of Lawful Existing Use under Section 191 of the Town and Country Planning Act 1990. On the evidence before me, no such

certificate exists in this case. As a result, I give this argument little weight, and a fallback position has not been demonstrated.

14. Although I accept that there have been no objections or complaints received from neighbouring properties, including No 26, the existing occupants of No 26 cannot be assumed to live there in perpetuity. Moreover, the lack of complaints from neighbouring properties does not result in a development that accords with Policy H10.
15. For the reasons given above, I conclude that the development would result in a harmful effect on the mix and supply of housing, having regard to the level of HMOs in the surrounding area including the effect on residential character and the living conditions of neighbouring occupiers, in particular 26 Boardman Street. The development therefore conflicts with Policies H1, H10 and F3 of the Local Plan.

Living conditions

16. The property has seven bedrooms, each with an en-suite bathroom. The bedrooms are split over the ground floor, first floor and second floor. There is a communal lounge / dining room and kitchen at ground floor with access to a garden at the rear.
17. Policy F3 of the Local Plan, amongst other things, seeks development that delivers a high quality of life and Policy D5 of the Local Plan seeks development that provides acceptable levels of amenity for users, including, amongst other things, internal and external space.
18. Bedrooms six and seven are located on the second floor within the roof space. While not part of the development plan, the Salford City Council “Standards for houses in multiple occupation” (the SFHMO), February 2022, is a material consideration. The SFHMO sets out minimum room sizes for HMOs. In particular, for single occupancy rooms, the minimum room size set out in the SFHMO is 6.51 square metres (sqm). For two people cohabiting, the minimum room size is 10.22sqm.
19. There is disagreement between the parties about whether there would be over 10sqm of useable space, with an appropriate headroom, in bedrooms six and seven. However, during my site visit I observed that both bedrooms were a comfortable size and fitted a double bed, a wardrobe and desk, as well as other furniture. There was clear circulation space within the rooms and the space was easy to manoeuvre when standing. As such, the two bedrooms offer a satisfactory level of internal space for the occupants.
20. Furthermore, the communal area on the ground floor provides a comfy seating area, a dining table and kitchen space that could be used by a number of occupants at mealtimes and for a number of other purposes throughout the day and in the evenings. The rear garden provides additional communal space for the occupiers. In combination, the internal and external space provides the occupants with a satisfactory level of amenity, which is also completed to a good standard.
21. For the above reasons, I conclude that the accommodation provides satisfactory living conditions for the occupiers of the property, with regard to the provision of appropriately sized bedrooms (bedroom six and bedroom seven). As such, the development does not conflict with Policies F3 and D5 of the Local Plan.

Other Matters

22. Dismissing this appeal may put at risk the occupation of the HMO by the current occupants. This would represent an interference with their rights under Article 8 of the European Convention on Human Rights (right to respect for private and family life) as incorporated by the Human Rights Act 1998. These rights are not unfettered and can be interfered with by a public authority in accordance with law in a number of circumstances.
23. In this case, there is a legitimate and established planning policy aim to protect the supply and mix of housing and the residential character of the area. No case has been made that the personal circumstances of the existing occupants require them to remain in this HMO accommodation. As such, I attach greater weight to the public interest. Dismissal of the appeal is proportionate and so it would not result in a violation of the residents' human rights.

Conclusion

24. For the reasons set out above, I conclude that the development conflicts with the development plan as a whole and there are no material considerations of sufficient weight to indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

N Bromley

INSPECTOR