



Appeal Decision

Site visit made on 4 March 2025

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/V4250/W/24/3350720

20 Prospect Street, Tyldesley, Wigan M29 8SU

- 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 Ryan Wrigley against the decision of Wigan Council.
 - The application Ref is A/24/97169/CU.
 - The development proposed is the Change of Use from Funeral Directors to House in Multiple Occupation with 8 bedrooms for 8 persons together with first floor gable window and external alterations.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Ryan Wrigley against Wigan Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are (i) the effect of the proposed development on the living conditions of the occupants of neighbouring properties, with regard to noise and disturbance, and car parking provision, and (ii) whether the development would provide satisfactory accommodation for its future occupants with regards to the provision of amenity space.

Reasons

Living conditions – neighbouring occupiers

4. The appeal property comprises of an end-terrace building situated in a residential area that is formed predominantly of rows of modestly sized terraced houses. The property was last in use as a funeral directors, with the proposal seeking an 8 bedroom House in Multiple Occupation (HMO).
5. The future occupiers of the HMO are likely to lead independent lives from one another, unlike a family residing in a typical dwelling, with up to 8 individuals having separate routines such as different working patterns and more frequent shopping or other trips to access educational or medical facilities. Although room sizes and the layout would comply with Council guidance, the resultant level of activity arising from the proposed HMO would be harmful given the property is situated in a quiet residential street, with low levels of background noise such as from passing vehicular traffic.

6. The lack of off-street parking for the proposal would be consistent with other properties in the area, and although there are no objections from the Council's Transport Policy consultee, their comments relate to highway and pedestrian safety matters rather than the effect on the living conditions of neighbouring occupiers. Whilst I note references to on-street parking pressures, at the time of my visit, the surrounding streets were not heavily parked. In the absence of any substantive evidence to the contrary therefore, I do not consider the demand for parking would adversely impact on neighbouring residents.
7. Nevertheless, I conclude that the proposal would result in an unacceptable harmful impact on the living conditions of the occupants of neighbouring properties, with regard to noise and disturbance. As such it would be contrary to Policies CP 10 and CP 17 of the Wigan Local Plan Core Strategy (Local Plan) and Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, a high standard of amenity for existing and future users. The decision notice makes reference to other policies, but I do not consider these are directly relevant to living condition matters.

Living conditions – future occupiers

8. The rear yard would accommodate bicycle and refuse bin storage facilities, as well as providing an outdoor amenity area. The submitted plans show an area in the yard that would accommodate 4 standard sized bins. This is only considered sufficient for a single dwellinghouse, with the proposed HMO requiring a greater level of provision. This would inevitably result in a greater coverage of the yard area, however, given the functional nature of this space, I do not think such increased bin storage provision would unduly compromise amenity space provision for future occupants.
9. Reference has been made to the minimal cycle stand provision, but the 4 cycle stands shown on the submitted plans would accommodate 8 cycles, which is a level of provision considered acceptable by the Council's Transport Policy consultee. Although a secure and covered storage building would occupy a larger footprint, I do not consider that this would have significant impact on amenity space provision.
10. I therefore conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regards to the provision of amenity space, and as such, it would be compliant with Policies CP 10 and CP 17 of the Local Plan and Paragraph 135 of the Framework, which seek, amongst other matters, a high standard of amenity for existing and future users.

Other Matters

11. The appeal property has planning permission for two dwellings which could each be used as C4 HMOs. I have not been provided with plans of this approval, but having regard to the size of the property, the Council has set out that as a two bedroom and a three-bedroom dwelling respectively, it is not clear that the approved scheme, with a total of 5 bedrooms would together be able to accommodate 8 persons, particularly given the need for separate communal facilities for each property. I note reference to the previous appeal decision¹ on the appeal site, but I am not aware of the full circumstances of that case and what was

¹ Appeal Ref: APP/V4250/W/23/3331173

before the Inspector. This previous appeal decision does however make clear reference to the modest size of the proposed properties and the limited increase in the occupancy and the use of an HMO use when compared to them as dwellings. As such, for these reasons, this fallback position would not justify the harm that I have identified.

12. Reference has been made to the fallback position of the appeal building being put to a use falling within Class E as defined by The Town and Country Planning (Use Classes) Order 1987. This fallback position was considered in the previous appeal decision on the appeal site in relation to the demand for parking, but I have not however found any harm arising from the proposal's lack of off-street car parking. The comings and goings from a residential use would be materially different, in terms of their timing and duration to a Class E use, and as such the effects on the living conditions of the occupants of neighbouring properties would not be comparable either. As a result, I attribute limited weight to this fallback position and can confirm that I have considered the appeal before me on its own merits.
13. HMO's make an important contribution to the private rented sector providing lower cost housing options. The development would also result in visual improvements to the elevational treatment of the building. These matters weigh in favour of the development but would not outweigh the harm that I have identified in relation to the first main issue.
14. The appeal site is in an accessible urban location and there is no overconcentration of HMO's in the surrounding area. The lack of objection from the Environmental Health Officer is also noted. These are however neutral matters and not ones which weigh in favour of the development.

Conclusion

15. For the reasons given above, having considered the development plan as a whole, the approach in the Framework and all other relevant material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR