



Appeal Decision

Site visit made on 4 March 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 April 2025

Appeal Ref: APP/M4510/W/24/3354962

118 Manor House Road, Newcastle Upon Tyne NE2 2LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Castle North East Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/0792/01/DET.
 - The development proposed is change of use of residential dwelling (Use Class C3) to 4 bed house in Multiple Occupation (Use Class C4).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposed development on the supply of family housing in the area and its effect on the character of the area.

Reasons

3. The appeal property is located within an Article 4 area where planning permission is required for the change of use from Class C3 to Class C4. An Article 4 area is in place to prevent the character of this part of the city from changing from an established residential area to one with a transient population. Policy CS9 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030, 2015 (CSUCP) seeks to ensure that communities are sustainable for the future and prevents the loss of family homes through subdivision, change of use or redevelopment. It also seeks to prevent an over concentration of shared accommodation. Policy SC1 of the Maintaining Sustainable communities Supplementary Planning Document, 2017 (SPD) specifically relates to Houses in Multiple Occupation (HMO) and amongst other things, prevents development where it would result in the loss of a good quality, spacious and convenient dwellings suitable for occupation by a family by reason of its location and level of amenity and so remove the dwelling from the stock within the overall housing mix. Policy SC1 of the SPD also seeks to prevent proposals which would lead to a level of concentration of HMO's that would be damaging to the character of the area.
4. The aim of the SPD is to manage the growth of HMO's in areas which already experience high levels of this form of accommodation. Although the SPD is supplementary guidance, it is an adopted document providing a basis for HMO proposals to be assessed in the context of the adopted development plan policies and remains a material consideration in decision making. It is also reviewed to

ensure it continues to align with current approved planning policy as well as changes to the shared housing market to ensure it continues to meet its objectives of delivering a working city, with decent neighbourhoods for current and future generations that will result in a prosperous and sustainable city. Overall, I do not find the SPD to be outdated.

5. The appeal site comprises a mid-terraced property with accommodation on three levels situated along a row of linear terraces fronting onto Manor House Road. The site is located within a predominantly residential area within walking distance of day-to-day services/facilities and in a location well served by public transport.
6. The property benefits from spacious living accommodation comprising; lounge, dining, kitchen, study, four bedrooms, toilets, shower room and bathroom.
7. The property has a small forecourt to the front and has access to a small yard to the rear and overall offers good levels of outlook and privacy. Such factors together with the overall accessible location, would provide a suitable place for family occupation either owner-occupied or rental. Whilst the front and rear garden spaces are limited, the rear yard area does provide some outdoor amenity space and is a typical arrangement for such properties whilst being in close proximity to other recreational spaces. The appeal property could be attractive for single household occupancy including a family.
8. Manor House Road features 100 addresses and 58 of these have a HMO license and thus it is recognised that many of the properties in the street are indeed HMO's. That said, 42% are not and there is no substantial evidence before me to suggest that the properties without a HMO licence are anything other than a C3 dwellinghouse. This is despite claims that many properties have been subdivided and rented out as they would still likely fall within the C3 residential use. Rented accommodation does not necessarily mean that the properties are no longer family homes/occupied by families nor do I agree that they share the same characteristics as HMO's. This is because HMO's are more intensively used which I discuss further in my decision. Whilst the adjoining properties No 120 and 116 both have HMO licenses, there is no planning history regarding their use and in any event, it is undisputed that No 114 Manor House Road is a C3 residential property which is located within very close proximity of the appeal site. Despite the licensed HMO's already tipping the balance, there is still a good proportion of C3 uses.
9. At my site visit, I observed the properties and general activity within the area, and it was clear that whilst there are indeed many HMO uses, the road has not been turned into an exclusive HMO street and such a use did not overly dominate the area as other C3 uses are present where there is still a clear residential/C3 feel. Based upon the evidence submitted and my own observations onsite, it is clear that given the overall mix of properties, the presence of HMO's do not make the area nor the property undesirable for a family.
10. In demonstrating that the property is surrounded by other HMO's, the appellant focuses on a small section of Manor House Road where it is claimed that there is only one other C3 residential property being No 114 Manor House Road. The appellant also focuses on a number of surrounding streets to the west of the appeal site. I do not dispute that the area already has a large number of HMO's and these are very concentrated in some areas. However, Manor House Road is

one where the character of an established community area has not been lost and given that the property forms part of this street, then I find it a logical approach to assess the wider street opposed to the northern section and an arbitrary area of different streets. The assertion that, as there are already HMO's in an area, further changes of uses (C3 to C4) should be allowed, is fundamentally at odds with the purpose of the establishment of the Article 4 area and the SPD. This is also contrary to Policy CS9 of the CSUCP. There may have been antisocial behaviour incidents recorded with Northumbria Police, but I have limited detail on this, and I am not sufficiently satisfied that this would detract from the suitability of the area for families. Family occupation can take many different configurations and not all families are those with children.

11. The proposal would lead to a level of concentration of such uses that would be damaging to the character of the area which from the evidence before me, already faces problems in this regard. This is because it would further increase the HMO uses on this street which cumulatively would lead to issues of noise and disturbance. HMO properties are typically used more intensely than compared to a Class C3 use. HMO's typically contain groups of young adults living together. These groups invariably enjoy active social lives. These types of households can often engage in behaviour that results in increased incidents of noise and disturbance such as playing loud music and comings and goings late at night. I appreciate that a sound test report has been complete and note that it is undisputed that the proposal would not result in significant issues of noise and disturbance by itself. However, in aggregate with other HMOs, there would be an impact on the quiet residential character of the Article 4 Area. The suggested condition relating to a Management Plan would not sufficiently mitigate against this as it is one which would be difficult to control/enforce against.
12. The proposed development would result in a movement further away from a family residential area to a more transient population where occupiers have less connection to their neighbourhoods than permanent residents. Such would have a detrimental impact on the residential character of the area and would be problematic to occupiers of family dwellings/local long-term residents in the area.
13. The property has been renovated to a high standard and would be aimed at young professionals. I do not dispute the needs/demands for such accommodation as well as noting matters relating to affordability. Even so, this would not alter my findings as the proposed development would still result in the loss of a dwelling suitable for occupation by a family to one used more intensely with a transient population. The property may be able to revert to family occupation should demand manifest although this does not change the fact that the proposed development would still result in the loss of a good quality, spacious and convenient dwelling suitable for occupation by a family. It would not be a reasonable approach to base my decision on what may or may not happen in the future as there is no certainty over this.
14. My attention has been drawn to previous appeals and permissions elsewhere. Whilst I do not have full details of all applications referred too, there are material differences between the details I do have and the appeal proposals including amongst others, location and site-specific context. The property at 64 Clayton Park Square is in easy walking distance from Newcastle and Northumbria Universities in a much smaller street that is different to the more suburban area of the appeal site. It was found that HMO's are the dominant use along that terrace. The

property also has no front garden and only a very small rear yard (smaller than that at 118 Manor House Road). In terms of the property at 33 Sunbury Avenue, this location is one which has a very high percentage of HMO's and thus the overall character is different to the appeal I am considering. Overall, I do not find those other appeals/applications to be directly comparable to the scheme before me and such has not altered my findings. They would also not be sufficient to justify the scheme as I have determined this appeal based on its own merits.

15. Those decisions relating to an increase in bedspace/extensions are not considered directly comparable to the appeal before me as their overall assessment would be different to that of a new HMO use considering their specific location, context and nature of their existing and proposed use.
16. The appellant has marketed the property for family occupation for both owner occupied and rental purposes without success and I understand the price has been lowered to encourage interest. Whilst I appreciate the difficulties associated with this, I am not sufficiently persuaded by the evidence before me that it is impossible to sell or let the property for use as a family home. This is because the information is lacking in terms of specific details. For example, the only reference to the duration of marketing is contained within the letter dated 13th September 2024 which sets out that the agent has actively marketed the property since 28th March. If that is March 2024 then that does not give much time to drum up interest etc. I appreciate that there was some marketing of the property in 2023, but it is unclear as to the duration of this marketing. I am also unsure of the prices in which the property was marketed at during the various times and the marketing exercises/methods undertaken to promote the property other than online which could attract a wider audience. Additionally, I have limited evidence regarding the rental market including price and interest in this regard. What is however clear is that in the short time the property has been marketed, a number of viewings have been arranged and whilst this may not have secured a buyer, it does demonstrate a level of interest. I am not therefore sufficiently convinced that the proposed development would be the only option for the property to secure its use. Notwithstanding the above, it is still the case that the proposed development would conflict with the relevant policies applicable in this case.
17. For the above reasons, I conclude that the proposed development would result in the unacceptable loss of a dwelling suitable for occupation by a family and would contribute to an overconcentration of HMO's to the detriment of the character of the area. It would therefore be contrary to Policies CS9 and CS14 of the CSUCP, Policies DM23 and DM24 of the Newcastle Upon Tyne Development and Allocations Plan 2015-2030, 2020 and Policy SC1 of the Council's SPD. These policies amongst other matters, aim to manage the growth of HMO's in areas which have already experienced high levels of this type of accommodation whilst also maintaining the wellbeing and health of communities. For the same reasons, the proposed development would also be contrary to section 12 of the National Planning Policy Framework relating to achieving well-designed places.
18. I have had due regard to other policies at local and national level. However, the proposed development would still need to accord with the above relevant policies which this scheme does not.

Other Matters

19. I appreciate that the appellant wishes to use this property in the most effective and efficient way and that the site is not located within the Conservation Area nor is it a listed building. I am also aware of the matters that are not in dispute. This would not however alter my findings on the above main issue.
20. The appellant claims that residents who have objected to the scheme live elsewhere at some distance in the Jesmond area and there are no objections from any resident within Manor House Road. Even so, this would not alter the outcome of my decision, and a lack of objection does not mean that the development would not be harmful.

Conclusion

21. For the reasons given above, I conclude that the proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination that outweighs the identified harm and associated development plan conflict. Therefore, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR