



Appeal Decision

Site visit made on 25 March 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 April 2025

Appeal Ref: APP/V4250/W/24/3357688

1 Mesnes Park Terrace, Wigan WN1 1SU

- 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 Owen Akhibi against the decision of Wigan Council.
 - The application reference is A/24/97730/CU.
 - The development proposed is the change of use of ground floor from dental surgery (Class E) to a five bedroom, five person, house in multiple occupation (Class C4) and retention of existing first floor and second floor accommodation (Class C3) including demolition of existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the ground floor from dental surgery (Class E) to a five bedroom, five person, house in multiple occupation (Class C4) and retention of existing first floor and second floor accommodation (Class C3) including demolition of the existing garage at 1 Mesnes Park Terrace, Wigan in accordance with the terms of the application, reference A/24/97730/CU, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr Owen Akhibi against Wigan Council and is the subject of a separate decision.

Main Issues

3. The main issues are the effect on highway safety; the effect on the mix of housing types and the character of the area, including the impact on neighbouring residents; and the effect on the living conditions of future residents with regard to outdoor amenity space.

Reasons

4. The above description of development is not that shown on the application form. However, it appears that it has been agreed and as it reflects the full detail of the proposal, I have accepted it for the purposes of this decision.
5. The property has been used as a dental practice on the ground floor. It has residential accommodation above. The proposal would result in the upper floors retaining a residential use but the ground floor would be used as a separate house in multiple occupation (HMO) for up to five residents.

Highway safety and parking

6. The council have raised a concern relating to the lack of on-site parking provision. The property currently has a garage although it is not of a size suitable for modern vehicles and appears, given the nature of the boundary, not to have been used for vehicle parking for some time. There is currently no other parking available on the site. The proposal would result in the removal of the garage and the use of that area for a cycle store, bin store and an amenity area. The site would therefore continue to have no on-site parking provision for vehicles.
7. This is an accessible location and on-street parking is controlled with parking prohibited on the roads immediately outside the property. As with the former dental practice, residents would either have to manage without a vehicle or find alternative provision for parking away from the property. There is nothing to suggest that the HMO would generate a greater demand for parking than the dental practice. In any event, there is also nothing to suggest that given the nature of the surrounding streets, parking associated with this changed use, would result in harm to highway safety. This is supported by the council's Transport Policy and Highways Officer. The proximity to services and the potential for walking, cycling and the use of public transport provides further support.
8. Overall, there would be no conflict with policies CP 7 or CP 10 of the Wigan Local Plan Core Strategy 2013 (CS) or policy JP-C8 of the Places for Everyone Joint Development Plan 2022 to 2039 (2024) (JDP), insofar as they are relevant to parking provision and highway safety. Policy A1S of the Wigan Unitary Development Plan 2006 (UDP) refers to the need for maximum parking standards and the need to assess a site with regard to accessibility by public transport, the availability of on-street and off-street parking and the feasibility of providing on-site parking. The council's updated Policy Note: Car Parking Standards for New Development 2023, identifies shortcomings with this policy with regard to compliance with former government guidance. However, given that this is a highly accessible location for new residential development and would encourage the use of walking, cycling and public transport; and as there is no potential for off-street parking, I do not find conflict with the policy or the updated Policy Note.
9. I find the council's approach to be at odds with their Supplementary Planning Document: Houses in Multiple Occupation 2022 (SPD) as this advises that it is not possible to have a 'one size fits all' approach to HMO parking and indicates that a balance must be made between the provision of space for car parking and other needs, such as waste storage, cycle storage and the provision of outdoor amenity space. It also requires similar considerations to be taken into account to those set out in policy A1S, including the sustainability of the site and the availability of public transport and local parking provisions.

Housing mix, the character of the area and living conditions

10. The council suggest that the proposal would lead to an over concentration of HMO and that intensifying the use would adversely impact on the amenity and quality of life of neighbouring residents and the wider neighbourhood. It is suggested that the proposal would not support a mixed and balanced community, to the detriment of local character and ensuring a mix of house types and tenures; and would lead to potential residential amenity issues.

11. The council's officers have considered the concentration of HMOs in the vicinity and concluded that there are no other HMOs within 50 metres of the site, nor would there be any sandwiching or 'runs' of HMOs as a result of this application. These are matters considered within the SPD. The officer report also sets out that the property is in a sustainable location, in an existing urban area, with access to established infrastructure and amenities; and that there is no evidence of insufficient capacity within the local infrastructure to accommodate the proposed residents.
12. The proposal would not result in the loss of a particular type of housing nor has it been suggested that the loss of the commercial use would be harmful. It would not therefore change the existing mix of properties, other than by adding a new residential property to that mix. Given the existing uses within this building and the adjoining properties; and the quality of the accommodation proposed, I find no evidence to suggest that there would be harm to local character or the amenities of other residents.
13. The proposal would offer high quality accommodation with large bedrooms, en-suite facilities and a large communal area. The outdoor area would be relatively limited but would provide some usable space; and bin and cycle storage. The property lies directly opposite a large park and is close to a range of facilities. The first floor accommodation would not be materially altered and I am not satisfied that the new ground floor accommodation would result in harm to future residents.
14. I find no conflict with the design requirements of CS policy CP 10 or the environmental protection requirements of policy CP 17, including part 7 which relates to amenity. It is unclear which elements of JDP policy JP-P1 are being referenced as the proposal does not appear to conflict with any of its 17 sections, some of which clearly support the proposal. The development generally accords with many aspects of the SPD. Overall, I have found no evidence to suggest that this is not a sustainable location for new residential development.

Conclusions

15. This is a highly accessible location for new residential development. It makes efficient use of an existing building close to a full range of amenities. It would also make a positive contribution to the housing stock. The matters raised as concerns by the council have not been substantiated.
16. I am mindful that the property is situated within the conservation area but the changes to the building itself would be minimal. The demolition of the garage, given the maintenance of the boundaries, would be of little wider concern. I am satisfied that the proposal would not result in harm to the character or appearance of the conservation area.
17. I have had regard to the concerns of local residents with regard to the potential for anti-social behaviour, poor management and the increased demands on local services. The use would fall under the local licencing requirements but in any event, I am not satisfied that the proposal would result in unacceptable harm. A condition to limit the number of residents to five would provide greater assurance in this respect. Even if some harm could be identified, it would be necessary to weigh it against the very considerable benefits of this proposed use. In the absence of matters that weigh significantly against the proposal; and as it gains support from

both the local policy objectives and those of the National Planning Policy Framework 2024, I allow the appeal.

18. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. I am not persuaded that a management plan, to be agreed by the council, would be necessary.
19. The council have suggested conditions which would require the details of the bin store, the cycle store and the boundary materials and gates to be agreed. The details of the bin store have been provided as part of drawing Site plan, cycle and waste storage Revision B and I consider them to be satisfactory. The proposed cycle store does not appear to be of a size or design that would provide sufficient space to allow the keeping of bikes in an easily accessible and secure fashion by the separate households. I have therefore required revised provision.
20. The plans indicate that the side wall to the garage, which provides the boundary to the site, is to be retained, as is the wall to the frontage. The only details not provided therefore relate to the proposed gates. The details of these should be agreed and installed prior to the use commencing and I have modified the condition to require this and the retention of the boundary walls, for the avoidance of doubt.
21. Two doors are to be replaced by windows in the side elevation but the details on the plans are limited. I have therefore also sought this detail to ensure that the development would have a satisfactory appearance.

Peter Eggleton

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plans 4/3/24, Location Plan 4/3/24; Site plan, cycle and waste storage Revision B; Proposed Elevations Sheet 6 18/724; Proposed Ground Floor Plan Sheet 2; and the following plans shall remain unchanged, Existing elevations Sheet 2 (front and rear) and Existing First and Second Floor Plans Sheet 3.
- 3) The maximum number of residents occupying the house in multiple occupation shall not exceed five persons at any time.
- 4) Notwithstanding the details hereby approved, the first use of the house in multiple occupation hereby approved shall not commence until cycle storage facilities have been provided within the site, in accordance with details that have been submitted to and approved in writing by the local planning authority. The approved facilities shall remain available for their intended purpose at all times thereafter.
- 5) The first use of the development hereby approved shall not commence until the bin store, shown on Site plan, cycle and waste storage Revision B, has been installed. It shall remain available for its intended uses at all times thereafter.

- 6) The demolition works relating to the garage shall be limited to the roof and the walls internal to the site only and shall not result in the lowering or removal of any boundary walls. The works shall be completed prior to first occupation of the house in multiple occupation.
- 7) Details of the proposed gates; and the replacement windows for the two doors to be removed in the side elevation, shall be submitted to and approved in writing by the local planning authority; and shall be installed prior to the first occupation of the house in multiple occupation.