



Appeal Decision

Site visit made on 29 April 2025

by Andreea Spataru BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/U4230/W/25/3358780

43 Alpha Street, Salford M6 5JY

- 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 B Cheema against the decision of Salford City Council.
- The application Ref is PA/2024/0859.
- The development proposed is the change of use from dwelling (Use Class C3) to 5 bed House in Multiple Occupation (Use Class C4) together with single storey rear extension and rear dormer.

Decision

1. The appeal is allowed and planning permission is granted for the change of use from dwelling (Use Class C3) to 5 bed House in Multiple Occupation (Use Class C4) together with single storey rear extension and rear dormer at 43 Alpha Street, Salford M6 5JY in accordance with the terms of the application ref PA/2024/0859, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: location plan, existing site plan and floor plans (2140/1), proposed site plan and proposed floor plans (2140/2), proposed elevations and section (2140/3).
 - 3) Notwithstanding the details shown on the drawings hereby approved, details of secure cycle parking to meet the cycle parking standards outlined within Annex C: Car Parking Standards of the Salford Local Plan: Development Management Policies and Designations 2023, shall be submitted to and approved in writing by the local planning authority. The approved cycle parking shall be implemented and made available for its intended use prior to the occupation of the development hereby approved and shall be retained thereafter.

Preliminary Matters

2. The description of development in the banner heading and decision above has been taken from the Council's decision notice and the appeal form, rather than the application form, in the interests of precision.
3. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as policies that are material to this decision have not fundamentally changed, it has not been necessary to revert to the parties on the Framework.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of No 44 Spring Gardens (No 44), with particular regard to activity and disturbance.

Reasons

5. The appeal property relates to a two-storey mid-terrace dwelling located in a predominantly residential area. The proposal seeks to change the use from C3 dwelling to C4 House in Multiple Occupation (HMO) and to erect a single storey rear extension and rear dormer. The development would increase the number of bedrooms from two to five.
6. The Council's reason for refusal relates specifically to the proposed change of use, as the extensions were found acceptable. Thus, I have focussed on the disputed element of the appeal development.
7. Policy H10 of the Salford Local Plan: Development Management Policies and Designations 2023 (LP) states that, amongst other things, the conversion of existing houses into HMOs will only be permitted where it can be demonstrated that the proposal would not, either individually or cumulatively with other completed developments and schemes with planning permission or prior approval 3) result in any house that is in use as a single dwelling being immediately adjacent to more than one property in use as HMO, amongst other uses. LP Policy H10 states that immediately adjacent properties include properties directly behind and opposite, as well as to either side).
8. The Council asserts that for the purposes of LP Policy H10 neighbouring property No 41 Alpha Street is an HMO based on the Council's Licensing records for HMOs, and that the proposed change of use might lead to an increase in noise, levels of activity, and a high turnover of occupants. The Council's concerns are that these factors would affect the living conditions of the occupiers of No 44.
9. The submitted plans indicate that the HMO would be five bedrooms. The appellant's evidence does not specify the number of occupants. Nevertheless, if the property would be occupied by six people, which is the maximum number of occupants allowed under the proposed use, taking into account the potential for each occupant to have individual schedules, deliveries and visitors, there is likely to be some intensification of activity when compared to a house occupied by a family.
10. The appeal site has a small yard, which would be partially occupied by the proposed extension, cycle store and refuse storage, thus any usable outside amenity space would be immediately next to the appeal dwelling, away from the rear boundary of the site. Notwithstanding the potential increase in the levels of activity, given the siting of the appeal property in relation to No 44, and the layout and size of the appeal site's yard, any associated increase in noise would be limited and it is not shown that this would result in problematic levels of disturbance. Accordingly, the proposal would not, either individually or cumulatively, cause significant harm to the living conditions of the occupiers of No 44.

11. The terraced properties on Alpha Street and Spring Gardens are separated by a rear access road and therefore do not share a common boundary. Furthermore, the terraced properties on Alpha Street are slightly staggered in relation to those on Spring Gardens. Based on the submitted plans, the property that is directly behind No 44 is No 41 Alpha Street. Most of the appeal site's rear boundary is offset in relation to the rear boundary of No 44. On balance, in the particular site circumstances, for the purposes of LP Policy H10, the proposal would not lead to No 44 being immediately adjacent to more than one property in use as an HMO.
12. In conclusion, I find that the development would not cause harm to the living conditions of the occupiers of No 44, with regard to activity and disturbance. Accordingly, there would be no conflict with the aims of Policy H10 of the LP, as set out above, or Policy D5 of the LP which requires developments to ensure that they do not have an unacceptable impact on the amenity of the users of other buildings and spaces.

Other Matters

13. I have had regard to the concerns outlined by the occupier of the adjoining property with regard to the existing levels of noise and future levels of light. Nevertheless, as the proposal is not retrospective, any current noise concerns are not directly linked to the proposed development. The Council found the proposed rear extension and dormer acceptable in terms of their effect on the living conditions of the occupiers of neighbouring properties, with particular regard to light. Given the evidence before me, and my site visit observations, I have no reason to disagree.

Conditions

14. Having had regard to the requirements of the Framework and the Planning Practice Guidance I have imposed standard conditions concerning commencement and compliance with the submitted plans, in the interests of precision and certainty.
15. The submitted plans indicate that a cycle store for three bicycles would be provided within the rear yard. The Highways Officer stated that a cycle locker for a minimum of 3 cycles in accordance with Annex C of Salford's Local Plan is provided and that the exact details should be secured by a way of a condition. The Council has suggested a condition which requires details of secure cycle parking for two cycles. Given the discrepancy between the number of cycles required, I consider that a condition is necessary to secure details of secure cycle parking which is in accordance with Annex C of the LP, to encourage sustainable transport. Thus, I have amended the Council's suggested condition to reflect this.
16. The Council also suggested a condition which would restrict the occupancy of the appeal property to five occupants. The Council's reason for this condition indicates the safeguarding of future occupants' amenity. The Planning Officer's report refers to HMO licensing standards and how the proposal complies with the space standards for a 5 person HMO. Given that there are other mechanisms in place to secure HMO standards and having had regard to the requirements of paragraph 57 of the Framework, which state that planning conditions should be kept to a minimum, I do not consider that such condition is necessary to make the proposal acceptable in planning terms.

Conclusion

17. For the reasons given above I conclude that the proposal complies with the development plan as a whole. Therefore, the appeal is allowed.

Andreea Spataru

INSPECTOR