
Appeal Decision

Site visit made on 4 November 2025

by **F Rafiq BSc (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th November 2025

Appeal Ref: APP/U4230/W/25/3372675

21 Derby Road, Salford M6 5YD

- 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 Greg McAvoy against the decision of Salford City Council.
 - The application Ref is PA/2024/1650.
 - The development proposed is the change of use from existing C3 dwellinghouse to C4 HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan has been submitted with the appeal which omits a door between two rooms and for the formal dining area to be within the kitchen. In certain circumstances, a proposal can be amended through an amended plan. In line with the Wheatcroft principles, it is my view that in this case, the appeal should be determined on the basis of the plans submitted to the Council and upon which it based its decision. To do otherwise would prejudice the interests of the Council and consultees who have not been consulted on the revised scheme. I will therefore proceed to determine the appeal based on the scheme the Council made their determination.

Main Issues

3. The main issues are (i) whether the proposed development would provide satisfactory accommodation for its future occupants with regard to communal living, kitchen and dining space, (ii) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance, and (iii) the effect of the proposed development on the character of the area with reference to community stability and social cohesion.

Reasons

Living conditions – future occupiers

4. The appeal property comprises of a large end-terrace dwelling facing Derby Road which is situated in a residential area. It would provide eight bedrooms and residents would share kitchen, dining and lounge facilities. The Council has referenced guidance in the 'Standards for houses in multiple occupation' (HMO) (Guidance) which sets out physical standards for HMOs. This includes, in the case of the proposal, the need to provide a living room area of a minimum size of 16.5sqm and a combined kitchen/dining area of at least 19.5sqm.

5. The proposal would fail to meet these floorspace requirements and would therefore not provide adequately sized accommodation for multiple occupants. Whilst amendments could be made to increase the size of the kitchen, for the reason set out earlier in the decision, the appeals process should not be used to evolve a scheme.
6. Most of the bedrooms would be adequately sized and although bedroom 2 at 6.5sqm would fall short of the required 6.51sqm set out in the guidance, the extent of the shortfall is very small and would not have any material impact on the future occupant of this space.
7. I therefore conclude that the proposed development would fail to provide satisfactory accommodation for its future occupiers with regards to communal living, kitchen and dining space. As such, it would be contrary to Policies F3, HH1 and D5 of the Salford Local Plan: Development Management Policies and Designations (Local Plan), which seek, amongst other matters, for all potential users to have an acceptable level of amenity and to provide healthy living environments. It would also be contrary to Paragraph 135 of the National Planning Policy Framework (Framework), which seeks, amongst other matters, a high standard of amenity for future users.

Living conditions – neighbouring occupiers

8. The appeal property is situated adjacent to another HMO use at 23 Derby Road, and as such, the introduction of a further HMO would give rise to an increased level of noise relative to the existing position. Whilst the appeal property as a large dwelling may have supported a family of 8-10 occupants, it would likely have functioned as a single household. A HMO would however generate a greater number of movements to and from the appeal property as each occupier would likely have different schedules.
9. As an end terrace property, with the motorway to the south, the nearest neighbouring properties which are said would be impacted by the proposal are referenced as 46 Derby Road and 11/12 Sandown Avenue. However, the former neighbouring building is sited across the road and does not directly face the appeal property. The referenced Sandown Avenue properties are to the rear, beyond the rear garden, and away from the appeal building where most activity would be concentrated. As such, given this separation and relationship, I do not consider there would be harmful noise and disturbance impacts arising from the proposal.
10. I therefore conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers with regard to noise and disturbance, and as such, it would not conflict with Policies H1, H10, F3 and D5 of the Local Plan, which seek, amongst other matters, to ensure development does not have an unacceptable impact on the amenity of the users of other buildings and spaces. It would also not be contrary to Paragraph 135 of the Framework.

Character

11. Local Plan Policy H10 sets out, amongst other matters, that conversions of existing houses to HMOs will only be permitted where it can be demonstrated that, either individually or cumulatively with other completed developments and schemes with planning permission or prior approval, it would not result in any

house that is in use as a single dwelling being immediately adjacent to more than one property in use as a HMO. The Council's Supplementary Planning Document 'Houses in Multiple Occupation' (SPD) provides guidance on avoiding the concentration of HMO's and sets out that planning permission will not normally be granted for new HMOs where the proportion of HMOs would exceed 10% of all residential properties within a 100-metre radius of the application property as a result of a proposed HMO.

12. Although the proposal would be contrary to part 3) of Local Plan Policy H10, as it would result in a HMO use at 21 Derby Road, in addition to that at No. 23, it is common ground between the main parties that the proposal would not exceed the 10% threshold set out in the SPD. Given the low levels of HMO's in the area, the mix of property types would not be unduly unbalanced by the proposal.
13. As such, I conclude that the proposed development would not unduly weaken community stability and social cohesion and consequently the character of the area would not be unacceptably harmed. As a result, whilst the proposal would conflict with a specific provision of Local Plan Policy H10, it would not be contrary to its aims of protecting the positive character of neighbourhoods. It would also not be contrary to Local Plan Policies H10 and F3 or the SPD.

Other Matters

14. Reference has been made to the lack of constructive engagement by the Local Planning Authority. This matter does not have a bearing on the planning merits of the case, which I can confirm I have dealt with on its own merits.
15. The appeal site is not listed nor is it in a Conservation Area. The proposal would provide bin storage and cycle parking within the site and includes provision of outdoor amenity space. These are however neutral matters and not ones which weigh in favour of the development.
16. The removal of the bulky rear extension would result in a visual improvement, but this does not however outweigh the harm identified in relation to the first main issue.
17. I acknowledge there should be consistency in decision-making, but from the information before me, it is not clear whether the circumstances of the referenced case at 23 Derby Road was the same as the appeal proposal. I have dealt with this appeal on its own merits, which I have found to be unacceptable due to its failure to provide adequately sized accommodation.

Conclusion

18. There would be no harm in relation to the effect of the proposed development on living conditions of the occupiers of neighbouring properties or on the character of the area, but these are neutral matters.
19. The proposed development would be harmful by failing to provide to satisfactory accommodation for its future occupiers and I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the Framework, that indicate that I should take a decision other than in accordance with this. I conclude that the appeal should be dismissed.

F Rafiq INSPECTOR