



Appeal Decision

Site visit made on 8 December 2025

by **E Fawcett BA (Jt Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8th January 2026

Appeal Ref: APP/G4240/W/25/3374227

345 Oldham Road, Ashton-under-Lyne, Tameside OL7 9NE

- 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 Scott Trow against the decision of Tameside Metropolitan Borough Council.
 - The application Ref is 25/00451/FUL.
 - The development proposed is described as “We are converting to a HMO and need to move use for Commercial to HMO use”.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of their submission, the appellant has put forward an alternative scheme that would reduce the number of proposed bedrooms from 5 to 3. Within their statement they have also requested that a separate determination is made for the conversion from commercial to residential use and the external changes, if concerns remain regarding accommodation size. It is not the purpose of the appeal process to evolve a scheme, and it is therefore important that what is considered by the Inspector is essentially the same scheme that was considered by the Council and interested parties at the application stage. However, I have considered whether to accept the amended plans.
3. Having regard to the *Holborn* judgment (*Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)) which refined the *Wheatcroft* principles (*Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37]), I conclude that the amendments would constitute a substantial change to the scheme determined by the Council. I am also mindful that the Council has made no representations regarding the amended proposals. I have therefore determined the appeal against the plans considered by the Council when it made its decision.
4. The decision notice describes the proposal as retrospective. From the evidence before me it is clear that internal works and alterations to the front elevation have been undertaken, although the evidence does not suggest that the use has commenced. Where applicable, I have referred to the existence of certain aspects of retrospective development in my decision.

Main Issues

5. The main issues are:

- Whether the development would provide acceptable living conditions for future occupants, having particular regard to the adequacy and functionality of the internal and external space;
- The effect of the proposed development on the character and appearance of the appeal property and the adjoining property; and
- Whether the development would provide appropriate facilities in relation to the management and storage of waste.

Reasons

Living Conditions

6. The appeal relates to the conversion of a 2-storey semi-detached property to a 5-bedroom House in Multiple Occupation (HMO). The proposal would create 4 bedrooms and a bathroom at first floor and 1 bedroom, a kitchen and living room and WC at ground floor.
7. The development plan policies set out within the Council's decision, in respect of this main issue, do not specify minimum standards for HMOs. However, the Council's statement of case also refers to Policy JP-H3 of the Places for Everyone Joint Development Plan Document, 2024 (PfE), which sets out that all new dwellings must comply with the nationally described space standards (NDSS). Although this Policy is not explicitly referenced in the Council officer's report, the proposed accommodation has been assessed against the NDSS. The proposal relates to the conversion of the property to use class C4 which is described as the use of a dwellinghouse by no more than 6 residents as an HMO. Therefore, PfE Policy JP-H3 would apply to the proposed development.
8. The proposed accommodation would fail to meet the minimum standards in terms of overall space and size of most bedrooms. Bedroom 4, identified on the plans before me, is the smallest of the 5 bedrooms and its awkward shape would likely make it difficult to accommodate a bed together with adequate storage and circulation space.
9. Bedroom 1 would be located on the ground floor, immediately adjacent to the shared entrance and living room, with a window facing directly onto the pavement. Taken together, these factors would likely result in a level of noise and disturbance beyond what an occupant could reasonably expect and consequently would fail to provide acceptable living conditions.
10. The plans show a combined kitchen and living room, partly divided by an internal wall, with access to the rear yard through the attached conservatory. Given the relatively limited space, I am not convinced that the room could be arranged to provide an acceptable level of kitchen, dining and living accommodation, together with adequate storage and circulation space to serve the number of intended occupants. This would be exacerbated by the absence of a window serving the room.

11. Communal space in HMOs is intended to ensure that all occupants have the opportunity to dine and socialise in a shared environment, supporting their well-being and helping to reduce isolation. Such space is particularly important where individual rooms are limited in size, as in this case. In respect of the appeal proposal, the layout and function of the communal space would not provide an acceptable shared living environment and would undermine the quality of life for occupants. Furthermore, based on the plans before me, I am not satisfied that the bathroom would provide adequate facilities for the intended occupants due to its limited size.
12. Whilst the yard area is relatively small, this would not, in itself, result in an unacceptable standard of living accommodation for future occupants. The proposal relates to an HMO and is therefore unlikely to be occupied by a family or children, for whom a larger external space would be more critical.
13. Whilst I note that the appellant has liaised with the Council's HMO team, I must consider the appeal based on its merits and in accordance with the development plan for the area, and this does not therefore lead me to a different conclusion on this matter.
14. In light of the above, I conclude overall on this main issue that the proposed development would fail to provide acceptable living conditions for future occupants, having particular regard to adequacy and functionality of the internal space. It would therefore conflict with Policies H10 and 1.5 of the Tameside Unitary Development Plan (UDP) and PfE Policy JP-H3 which collectively seek to allow for higher densities where this is consistent with environmental quality, to ensure that development is of a design which meets the needs of potential occupiers, and require new dwellings to comply with NDSS.

Character and Appearance

15. The appeal forms part of a pair of semi-detached properties which are constructed of red brick. The adjoining property has retained its brick finish to the front but is rendered at the side and rear. Prior to the undertaking of the external works, the brick was also exposed on the front elevation of the appeal property at the upper floor level, with a shop front, large fascia and rendered walls below.
16. Policy RED1 of the Tameside Residential Design Supplementary Planning Document, March 2010 (SPD) seeks to ensure that proposals apply an architectural style that reflects the existing dwelling and use materials, fixtures and fittings that align with the existing in terms of size, style, colour and texture. I acknowledge that this is not a Development Plan policy, but is nevertheless relevant to my consideration of the appeal.
17. Although the full rendered frontage of the appeal property contrasts with the adjoining building, the works have removed the large fascia and the row of windows that previously created a horizontal emphasis at odds with the taller, more vertical window proportions of both properties. The new render provides a uniform appearance and the works have incorporated a ground floor window that reflects the scale and proportions of the existing openings. Whilst some architectural detailing has not been replicated to the new ground floor window, and some detailing has been lost above the first floor windows, the retention of the exposed eaves maintains a clear visual relationship with the adjoining building. Furthermore,

the red brick to the side elevation has also been retained and remains largely visible from Oldham Road.

18. Overall, the external alterations represent an improvement on the former shopfront and do not result in undue harm to the character or appearance of the appeal property or the wider semi-detached pair.
19. I conclude that the proposed development does not have a harmful effect on the character and appearance of the appeal property or the adjoining property. It therefore does not conflict with Policies C1 and H10 of the UDP which seek to ensure that development is of a high quality design with the relationship between buildings and their setting given particular attention. Furthermore, the proposal would not conflict with the SPD or the aims and objectives of sections 2 and 12 of the Framework which seek to achieve sustainable development and ensure that proposals are visually attractive and sympathetic to the surrounding built environment.

Management and Storage of Waste

20. The plans before me do not identify where bins would be stored to serve the development and there are no details of how waste would be collected. However, the appeal property benefits from a rear yard where such facilities could be accommodated. The Council has raised concerns regarding the access to the rear yard, noting that it includes 2 parking spaces shared by the pair of semi-detached properties.
21. The appeal property has previously been used for both commercial and residential purposes, and no substantive evidence has been provided to demonstrate that waste storage or collection has historically resulted in negative environmental impacts. Whilst the proposed use may generate an increased volume of refuse, similar access to the rear yard would have been required for the previous uses. I am therefore satisfied that this matter could be adequately addressed by a condition requiring appropriate waste storage and collection facilities to be provided prior to the commencement of the use. This would ensure that the development would not cause harm to the character and visual quality of the street scene through inadequate waste management.
22. I conclude that the proposal would provide appropriate facilities in relation to the management and storage of waste. It would therefore not conflict with PfE Policy JP-P1 and UDP Policy H10 which, amongst other things, seek to ensure that development meets needs relating to recycling facilities, refuse collection and storage. Furthermore, there would be no conflict with section 12 of the NPPF. Policy RD8 of the SPD has also been referenced within the decision notice in respect of this matter, however this relates to parking standards so is not directly relevant and I find no conflict with this.

Other Matters

23. I acknowledge that the scheme would contribute to the provision of smaller and potentially more affordable accommodation, reusing a building within a sustainable location. However, this does not outweigh the harm that I have identified above in respect of living conditions.

24. Whilst the appellant is frustrated with the Council's approach, I must consider the appeal based on its merits and in accordance with the development plan for the area.

Conclusion

25. Overall, whilst I find that the proposal would not result in harm to the character and appearance of the appeal property and would provide appropriate facilities in relation to the management and storage of waste, this does not outweigh the harm I have identified in respect of the living conditions for the future occupants, having particular regard to the adequacy and functionality of the internal space. For these reasons the appeal is dismissed.

E Fawcett

INSPECTOR