



Appeal Decision

Site visit made on 18 September 2018

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22nd October 2018

Appeal Ref: APP/G4240/W/18/3204514

35 Stamford Road, Mossley, OL5 0BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Rothwell against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 17/00864/FUL, dated 9 October 2017, was refused by notice dated 25 May 2018.
 - The development proposed is a change of use from a dwelling to a 9 bed House of Multiple Occupation (HMO) (Sui Generis), including installation of rear dormer.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development given above is taken from the Decision Notice rather than the planning application form. This wording reflects changes that were made to the proposal at the application stage to reduce the number of bedrooms to 9 and to create a first floor lounge.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers with regard to noise and disturbance.

Reasons

4. The appeal property is a large terraced house on the western side of Stamford Road. It is largely surrounded by existing residential properties, and was recently in use as a single family dwelling.
5. The development would convert the property into a 9 bedroom House in Multiple Occupation (HMO). This would lead to a significant change in the occupancy of the building compared to a family dwelling. In this regard, 9 unrelated adults would live at the property, which would be a far more intensive use of the building. This would lead to a significant increase in comings and goings, at various times of day, with a higher incidence of visitors. This pattern of movement has the potential for increased noise and disturbance to neighbours. Moreover, bedrooms would be likely to be used for recreation, TV watching, listening to music, and receiving guests. This would inevitably lead to increased noise transmission through the shared party walls. In

particular, 5 bedrooms would adjoin the party wall with No 37, which has the potential to significantly harm the living conditions of that property. Whilst it is asserted that the HMO would be managed to a high standard, that is not something that can be controlled by planning condition.

6. Separately, the development does not propose any additional parking spaces and would instead rely on existing on-street parking. However, the site is in an accessible location in walking distance of local shops and a train station, and future occupiers may therefore choose not to own a car. Moreover, there are no parking restrictions along much of Stamford Road and many neighbouring streets. In these circumstances, I do not consider that the development would lead to nuisance or dangerous parking in the area. However, that does not overcome my other concerns regarding the development, as set out above.
7. I conclude that the development would significantly harm the living conditions of neighbouring occupiers with regard to noise and disturbance. It would therefore be contrary to Policy H10 of the Tameside Unitary Development Plan (2004), which requires that development results in no unacceptable impact on the amenity of neighbouring properties.

Other Matters

8. The Council states that there are few HMOs in this part of the Borough, and the majority of the surrounding properties appear to be self-contained dwellings. In this context, I do not consider that there would be any significant impact on the character of the area through the introduction of a single HMO.
9. It is proposed that bin and cycle storage would be provided in the garage that fronts onto Stamford Road at basement level. This would be an appropriate arrangement in my view.
10. The proposal was reported to the Council's Speakers Panel (Planning) with an officer recommendation for approval. The Council is not bound to accept the recommendations of officers. It has produced clear reasons for refusal and I share its view that, in respect of its effect on the living conditions of neighbouring occupiers, the proposal is unacceptable.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR