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# Appeal Decision

Site visit made on 21 October 2024

**by SRG Baird BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 October 2024**

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**Appeal Ref: APP/T4210/W/24/3347647**

**Heaton House, Brierley Street, Bury BL9 9HN**

- 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 Northlet Management Limited against the decision of Bury Metropolitan Borough Council.
  - The application Ref 70679, dated 19 April 2024, was refused by notice dated 11 June 2024.
  - The development proposed is the combining of 2 HMO units into one HMO unit to achieve an additional bedroom and increase bin provision to accommodate increased occupancy.
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## Decision

1. The appeal is allowed, and planning permission is granted for the combining of 2 HMO units into one HMO unit to achieve an additional bedroom and increase bin provision to accommodate increased occupancy at Heaton House, Brierley Street, Bury BL9 9HN in accordance with the terms of the application, Ref 70679, dated 19 April 2024, and the plans submitted with it, subject to the following conditions:
  - 1) the development hereby permitted shall begin no later than 3 years from the date of this decision.
  - 2) the development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. GSS23152-004 Rev 1 Site Block Plan; GSS23152-003A Proposed Ground Floor Plan and GSS23152- 003B Proposed First Floor Plan.
  - 3) Prior to the first occupation of the additional bedroom unit hereby permitted, the parking and refuse provision shown on Drawing No. GSS23152-004 Rev 1 Site Block Plan and specified in the Planning Statement shall be provided and thereafter retained.

## Main Issues

2. The implications for (a) the living conditions of existing and future occupiers and, (b) the safe operation of the adjoining highway network.

## Reasons

3. The development Plan includes, the Bury Unitary Development Plan (UDP) adopted 1997 and the joint spatial plan Places for Everyone adopted 2024. Of the various policies referred to UDP Policy H2/4 is the most relevant. When considering HMO proposals, Policy H2/4 lists, amongst other things, that the amenity of occupants and car parking/servicing are key factors to be considered. Also relevant are Development Control Policy Guidance Note 13 (DCPGN) – Conversion of Buildings to Houses in Multiple Occupation 2007 and DCPGN 11 – Parking Standards 2007. DCPGN 13 says that the increased occupancy of a building for HMO purposes

should, amongst other things, provide an acceptable standard of accommodation for occupants and provide appropriate levels of car parking and service facilities. Neither the UDP nor the DCPGNs provide objective measures to test the proposal against.

#### Living Conditions

4. The Council's Houses in Multiple Occupation Guidance and Amenity Standards - August 2024 shows that a single occupancy combined bedroom/living room should have an area of 10 sq.m, and the minimum size for a combined kitchen/dining area to serve 6 to 10 people should be 19.5 sq.m. Given that the guidance relates to amenity standards, it is reasonable to assume that the figures quoted are considered by the Council to provide acceptable level of amenity. The additional bedroom would have an area of some 14.7 sq.m and the combined kitchen/dining room would have an area of some 24.1 sq.m. In this context, the additional use of the kitchen by one person would not result in an unacceptable standard of accommodation being provided.

#### Parking

5. There are no specific car parking standards for HMOs in either the UDP or DCPGN 13. The lpa accepts that HMOs tend to have a lower level of car usage than other residential uses and that dedicated car parking for HMOs is not always provided. Heaton House has a gated off-street parking area with 9 spaces marked out. There is an internal cycle store capable of holding up to 11 bicycles and the car park has 6 bike stands capable of accommodating up to 12 bicycles. In the absence of any objective standard regarding bicycle storage this provision appears to be adequate. Whilst on-street parking in the wider area is intensively used, spaces were available. I acknowledge that at other times, particular in the evening, demand for parking would increase. However, there is nothing in the lpa's submissions to suggest that the existing use results in pressure on on-street parking that results in a highway hazard or that the addition of one unit would materially change this position.

#### Other Matters

6. The proposal includes the provision of large capacity recycling bins (4) and general waste bins (6). There is no reason to conclude that this provision would be inadequate. Provision and retention could be conditioned.

#### Conclusions

7. The addition of one resident would not unacceptably affect the living conditions for existing/future residents or highway safety and there is no conflict with the development plan when read as a whole. The appeal is allowed.

#### Conditions

8. In the interests of certainty, a condition specifying the approved plans is imposed. In the interests of highway safety and the living conditions of residents, a condition requiring the implementation of the car parking and refuse provision is reasonable and necessary.

*George Baird*

Inspector