

APPEAL LETTER

GSS23152 – Heaton House, Brierly Street
Application No : 70679

We are writing to appeal the decision to refuse planning permission for Heaton House, Brierly Street.

The formal description of the planning application submitted:

‘Alterations to first floor to combine two existing House in Multiple Occupants units (HMO) into one 6 bedroom (single occupancy) House in Multiple Occupation (HMO)’

The site is situated at Heaton House, Brierly Street, Bury, BL9 9HN. The existing building consist of six House in Multiple Occupants units (HMO). The applicant’s aim is to convert the two existing HMOs on the first floor into one 6 bedrooms (single occupancy) House in Multiple Occupation, exceeding minimum space standards and providing ample living space for potential residents.

Planning History

The first application for the above property (70341) was submitted on 11/01/2024 and was refused for the following reasons:

1. *The proposed development, by virtue of the increased occupation and intensified use would result in a loss of communal space and loss of facilities and amenities available to the existing and future occupiers of the property and thereon provide sub-standard and unacceptable levels of accommodation and facilities, shared facilities and parking for the future and existing occupiers of the property and as such would have a detrimental impact on residential amenity and highway safety.*
The proposed development would therefore be contrary to Bury Unitary Development Plan Policies H1/2 – Further Housing Developments, H2/1 – The Form of New Residential Development, H2/2 – The Layout of New Residential Development and H2/4 – Conversions.

Upon receiving this decision, we resubmitted and addressed the first refusal by providing a planning statement that justifies how the proposed development far exceeds the minimum requirements set out in the Bury Council document for House in Multiple Occupation Guidance and Amenity Standards.

Additionally, we have addressed the comments from the officers delegated report regarding the insufficient bin stores on site by proposing adequate general waste, brown recycling and blue recycling stores for the property.

Regarding the cycle store, the existing development has both an internal and external cycle store located at the of the property. Given that the occupancy is increasing by only one person and considering the nature of HMOs, we believe that the current cycle provision is sufficient to accommodate the additional occupant.

The second application (70679) was subsequently refused for the same reasons, despite our efforts to provide a comprehensive and well-reasoned justification of the proposal. We ensured full compliance with Bury Council's House in Multiple Occupation Guidance and the waste and recycling policy. However, no additional justification was given for the refusal.

Reasons for the Refusal (70679)

1. *The proposed development, by virtue of the increased occupation and intensified use would result in a loss of communal space and loss of facilities and amenities available to the existing and future occupiers of the property and thereon provide sub-standard and unacceptable levels of accommodation and facilities, shared facilities and parking for the future and existing occupiers of the property and as such would have a detrimental impact on residential amenity and highway safety.
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Justifications

1. Regarding the reason for refusal, it was stated that the proposal provided a sub-standard and unacceptable levels of accommodation and facilities for the residents. Bury Council provides guidelines for House in Multiple Occupation Guidance and Amenity Standards. According to these guidelines, the minimum area for a combined kitchen and dining area for a 6-10 number of persons is 19.5m². The proposed kitchen and dining area is 24.1m² which exceeds this requirement, providing ample living space and suitable facilities in compliance with the standards set forth in the document.

With regards to the proposed bedrooms, this will function as a combined bedroom and living room. According to Bury Council guidelines for HMOs, the minimum area for a bedroom and living room with a sole occupant is 10m². The proposed six bedrooms range from 14.7m² to 23.5m², significantly exceeding the minimum requirements outlined in the licensing conditions.

Regarding the proposed waste and recycling provision, the officer's delegated report noted that the bin proposal for the second application adequately meets the needs of both the existing and additional occupancy. The waste management team confirmed that the number of bins proposed is sufficient.

As for the parking situation, the Highway Section has objected to the proposal due to the lack of additional cycle storage or parking spaces. Currently, there are 9 parking spaces and 11 cycles spaces available. Given that we are proposing to increase the occupancy by just one person and considering the nature of HMO's, we believe these existing facilities area sufficient to accommodate the increased use.

Conclusion

We believe that the proposed development meets and exceeds the necessary standards for accommodation and facilities. The refusal of planning permission appears to be unreasonable given the compliance with Bury Council's guidelines. We trust that the appeal process will recognise the opportunities this development presents and approve this appeal.

Where the room is for the sole use of occupier(s)	Number of persons	
	1	2 (cohabiting)
Bedroom	6.5m ²	10.2m ²
Kitchen	4m ²	5m ²
Combined kitchen and living room	11m ²	15m ²
Combined bedroom and kitchen	11m ²	15m ²
Combined bedroom and living room	10m ²	14m ²
Combined bedroom, living room & kitchen	13m ²	20.5m ²

Minimum sizes of other shared rooms	Number of persons					
	2-3	4	5	6-10	11-15	16+
Kitchen	5m ²	6m ²	7m ²	10.2m ²	13.5m ²	16.5m ²
Living rooms or dining rooms which are additional to kitchen area	8.5m ²	11m ²	11.2m ²	16.7m ²	21m ²	24m ²
Combined kitchen and dining area	10m ²	11.5m ²	11.6m ²	19.5m ²	24m ²	29m ²
Combined Kitchen, living & dining rooms (where bedrooms are less than 10.2m ²)	13.5m ²	17m ²	18.2m ²	26.9m ²	34.5m ²	40.5m ²

*Bury Council – Houses in Multiple Occupation
Guidance and Amenity Standards*