



Appeal Decision

Site visit made on 24 November 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/T4210/W/25/3372781

17 Belle Vue Terrace, Bury BL9 0SY

- 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 Zvi Portnoy against the decision of Bury Metropolitan Borough Council.
 - The application Ref is 71641.
 - The development proposed is change of use of a 6 bed HMO to an 8 bed (single occupancy) HMO.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Zvi Portnoy against Bury Metropolitan Borough Council. The application is the subject of a separate Decision.

Preliminary Matters

3. I have taken the description of development in the banner heading above from the application form, but I have removed reference to 'resubmission of application 71156' as this is not an act of development.
4. The Council has recently refused an application for a Lawful Development Certificate (LDC) for use of the appeal property as a small House in Multiple Occupation (HMO) (Use Class C4). However, within the context of an appeal under s78 of the Town and Country Planning Act 1990 (as amended) (the Act), it is not within my remit to formally determine whether the existing use or development is lawful. I shall consider the evidence as to the existing use in so far only as it is material to this appeal. If the appellant wishes to ascertain whether the existing use is lawful, they may make an application under s191 of the Act.

Main Issue

5. The main issue is whether acceptable living conditions could be provided for existing and future occupiers of the proposed development, with regards to natural light, outlook and ventilation.

Reasons

6. 17 Belle Vue Terrace is a two storey mid-terrace property which is in use as a House in Multiple Occupation (HMO) arranged with nine bedrooms over basement, ground, first and second floor. I observed that, although furnished, the three bedrooms on the ground floor are currently unoccupied.

7. The appellant asserts that the basement accommodation is excluded from the application and can be occupied regardless of whether planning permission is granted. However, the proposal is to change the use of the appeal *property* from a 6 bed HMO to an 8 bed HMO (single occupancy). Although the proposed plans show that the two additional en-suite bedrooms would be located on the ground floor, the matter for consideration is whether acceptable living conditions can be provided for a total of eight unrelated people. This would mean that eight of the nine bedrooms would be occupied, including at least one of the bedrooms in the basement.
8. The two basement bedrooms are accessed off the ground floor hallway via a very narrow staircase with restricted headroom. Each room is of a reasonable size and there is sufficient space for a compact ensuite shower room. A single window would provide some limited ventilation. However, the outlook from the rear room is restricted by the depth and limited size of the lightwell. Although some sky can be seen, the outlook from this room is principally toward the retaining wall of the lightwell and upwards toward the external communal decking. Similarly, the outlook from the front room is restricted by the narrow lightwell with sky only visible when stood within the bay of the window.
9. These bedrooms do not benefit from adequate levels of natural light and would be heavily reliant on artificial lighting for large parts of the day. Consequently, I found them to be dark and quite oppressive, and they would be uncomfortable rooms in which to spend much time. In conflict with the guidance in 'Development Control Policy Guidance Note 13: Conversion of Buildings to Houses in Multiple Occupation' (May 2007), the proposal would fail to provide an acceptable standard of accommodation for existing and future occupants of the basement bedrooms.
10. The proposed plans show that part of the ground floor room within the rear outrigger of the property would be integrated into the existing communal kitchen, dining and living area. The remaining (rear) part of this room would be a cycle store accessed from an area of communal decking which is proposed to include benched seating. There is a second, smaller kitchen/dining area at first floor, and overall, the communal space is particularly generous. I also note that all bedrooms exceed the Council's space standards for single and double occupation, and that the amount of communal space would be greater than in other 8-bedroom HMOs in Bury, to which the appellant has referred.
11. However, the quantum of space provided does not sufficiently mitigate the poor standard of space within the basement bedrooms, despite the high-quality of fixtures and fittings. Further, given that two of the ground floor bedrooms (Bedroom 7 and 8) are of a similar size but are comfortable, bright and inviting, I am not persuaded that should the appeal fail, these would realistically remain unoccupied in the longer term, or that the use of the basement bedrooms would be preferred.
12. Therefore, I conclude that acceptable living conditions could not be provided for existing and future occupiers of the proposed development, with regards to natural light and outlook. Consequently, it would conflict with saved Policy H2/4 of the Bury Unitary Development Plan (1997) which requires the conversion of a building into an HMO are considered having regard to the amenity of occupants.

Other Matters

13. Whilst an increase in the number of occupiers would enable more efficient use of the appeal property and would provide much needed accommodation for single people, this should not come at the expense of the standard of accommodation provided. I acknowledge that the property would comprise brownfield land but given the harm I have found to the living conditions of occupiers, paragraph 125 c) of the National Planning Policy Framework lends little support to the proposal. Accordingly, these matters do not alter my conclusion on the main issue above.

Conclusion

14. The proposal conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR