
Appeal Decision

Site visit made on 23 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

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

Decision date: 11 October 2016

Appeal Ref: APP/B4215/C/16/3149878
3 Siddall Street, Manchester M12 4GE

- The appeal is made by Shahid Shahid under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: ENF/12752/15) issued by Manchester City Council on 6 April 2016.
 - The breach of planning control alleged in the notice is "the material change of use of a dwellinghouse to two self contained flats".
 - The requirement of the notice is "Cease using the property as self contained flats".
 - The period for compliance with the requirement is six months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990.

Reasons for the decision

2. The main issues in deciding whether planning permission should be granted for the use of the house as two flats are: (i) the effect on the availability of family-sized houses; (ii) the effect on neighbours' amenities; (iii) whether there is enough parking space; and (iv) whether the occupiers of the flats have adequate private outdoor amenity space. I have dealt with these issues in turn in the paragraphs below and then set out my overall conclusion.

The effect on the availability of family-sized houses

3. The Council state that the division of this house into flats has resulted in the loss of a family-sized house in an area of the City where they are seeking to retain and increase the availability of family housing. There is no dispute that the house is a family-sized end-terrace house, but the appellant maintains that its conversion into two one-bedroom flats has helped to meet a growing demand for smaller affordable accommodation close to the City centre.
 4. I have no reason to doubt that there is such a demand. However, the Council's stance in this appeal is supported by the development plan. The house is in Central Manchester, as defined in the Manchester Core Strategy. Policy H 5 of the Core Strategy identifies family housing as a type of accommodation to which priority will be given in Central Manchester and the supporting paragraph
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9.25 states that the emphasis will be on increasing the availability of family housing here.

5. I note that saved Policy DC5.2 of the Manchester Unitary Development Plan states: "There will be a general presumption in favour of flat conversions within residential areas". However, as far as Central Manchester is concerned, Policy DC5.2 has in my opinion been superseded by Policy H 5.
6. The conversion of the house into two flats would, of course, have little impact on its own on housing accommodation in Central Manchester as a whole. However, it is difficult to see how the Council could successfully fulfil the objective of Policy H 5 if flat conversions were permitted on appeal, unless material considerations indicated that a particular proposal should succeed.

The effect on neighbours' amenities

7. The notice maintains that noise disturbance would occur as a result of the use of the house as two flats, because of increased comings and goings and general activity within the property. I doubt whether an increase in movements will arise to an extent that will have a noticeable impact on neighbours' amenities, but I am aware that internally-generated noise is a common problem in flat conversions of this type.
8. One of the matters that Policy DC5.1 of the Unitary Development Plan identifies as an issue in determining planning applications to convert property to flats is the effect on adjoining houses of noise from flats passing through party walls (DC5.1b). The matter may be capable of being dealt with by sound-insulation and noise-reduction measures, but I am unable to assess whether any further steps are required in this case, since neither party has addressed the matter in any detail.

Whether there is enough parking space

9. Another of the matters that Policy DC5.1 of the Unitary Development Plan identifies as an issue in determining planning applications to convert property to flats is the "adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created" (DC5.1c).
10. There is at present no dedicated off-street parking space at the house. However, there is open land next to the house, which is within the appeal site and has a frontage to both Siddall Street and Slade Hall Road. This land appears in principle to be capable of being used for parking, although there are no proposals before me to use it for that purpose. On-street parking is also permitted in Siddall Street and Slade Hall Road and the Council have not stated that demand for on-street parking spaces is a problem here. The criteria in Policy DC5.1c could therefore, it appears, be met.

Whether the occupiers of the flats have adequate private outdoor amenity space

11. This is a further matter that Policy DC5.1 identifies as an issue in determining planning applications to convert property to flats (DC5.1e). The house fronts directly on to the pavement and has a particularly short rear yard, which is reasonably private but is too small to provide for the normal outdoor domestic

needs of two households and is not readily accessible from both flats. The appeal site does, however, have the open land next to it which is referred to in paragraph 10 above. If enough of this land were to be set aside as outdoor amenity space for the flats, and suitably laid out, adequate provision would have been made for the flats, along with the rear yard; however, there are no proposals before me to do this.

Overall conclusion

12. Policy H 5 gives priority to family housing in Central Manchester, but it does not impose a moratorium on flat conversions. The flats in this appeal will make a contribution towards meeting the demand for single-person accommodation close to the City centre and my assessment of the main issues suggests that a well-prepared conversion scheme might have succeeded in this instance.
13. In the absence of such a scheme, I have concluded that my decision should support the Council's objective of retaining the availability of family housing here. The appeal has therefore been dismissed and planning permission has been refused.

D.A.Hainsworth

INSPECTOR