

Appeal Decision

Site visit made on 11 October 2016

by Daniel Hartley MTP MBA MRTPI

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

Decision date: 19 October 2016

Appeal Ref: APP/B4215/W/16/3155852

32-36 Burtinshaw Street, Gorton, Greater Manchester M18 8PB

- 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 Alan Headen against the decision of Manchester City Council.
 - The application Ref 111371/FO/2016/N2, dated 18 February 2016, was refused by notice dated 16 June 2016.
 - The development proposed is the conversion of a domestic double garage to a one bedroom dwelling for rent.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. As part of my site visit, I was able to see that the front garden areas belonging to Nos 32-36 Burtinshaw Street and been removed and replaced with three car parking spaces finished in tarmac. In addition, land immediately to the front, side and rear of the appeal building had also been finished in tarmac.

Main Issues

3. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of the dwelling in respect of the size of the dwelling, outside amenity space, car parking provision and the storage/collection of waste and (ii) the character and appearance of the area.

Reasons

Site and proposal

4. The appeal site includes a yard (used as an un-demarcated car parking area) with a double garage. It is positioned at the end of a cul-de-sac and is surrounded by two storey terraced houses. There are two storey terraced houses positioned off the yard (32-36 Burtinshaw Street) and which share the access into the appeal site.
 5. It is proposed to convert and alter the double garage to form a one bedroom dwelling.
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Living conditions – size of dwelling

6. The proposed dwelling would be smaller than those in the surrounding area. However, there is no disagreement between the parties that it would exceed the Council's minimum size requirement for a studio type flat (and as detailed in the Technical Housing Standards – Nationally Described Space Standards, 2015). I acknowledge that the proposed dwelling would not be a studio flat, but I am not aware of any reasonable argument to justify why the one bedroom dwelling would be unacceptable from a size point of view: a similarly sized studio flat would be acceptable from a residential gross floorspace point of view.
7. Whilst the proposed dwelling would be compact, it would nonetheless include a bedroom, bathroom, kitchen and sitting area and I am satisfied that one person could live in such a property without it feeling oppressive or cramped. I accept that when compared to surrounding dwellings the property would be small. In size terms, it would be difficult to make significant changes to it (unless extended) in response to changing residential needs. However, this would be the case for a number of small residential properties. In this case, the property is required for an individual who needs accommodation on the ground floor only. In this regard, the proposal would widen the choice of house types in the locality and would specifically meet the needs of an individual (and any future resident) who would benefit from all accommodation being on one floor. I am not persuaded by the Council's argument that the proposal would "*not attract sustained occupation*" or that it would potentially result in the "*transient occupation of the building*" which may lead to the occurrence of anti-social behaviour.
8. On balance, I conclude that the dwelling would not be too small or cramped and that in this respect the proposal would accord with the design and amenity aims of Policies SP1, EN1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (CS), the National Planning Policy Framework (the Framework) and the Technical Housing Standards – Nationally Described Space Standards 2015. I have afforded more weight to the latter document/standards, when compared to the "Manchester Residential Quality Guidance" (MRQG), as the Council has confirmed that the MRQG has not been adopted and is at public consultation stage.

Living conditions – car parking provision, outside amenity space and waste

9. Part of the site is currently used for access/parking purposes in connection with Nos 32-36 Burtinshaw Street, also owned by the appellant. Within blue edged land on the proposed site plan it is proposed to create one car parking space in each of the garden areas belonging to Nos 32-36 Burtinshaw Street "if required". As per the procedural section above, these car parking spaces have now been formed. One car parking space would be provided to the side of the proposed dwelling.
10. It is evident that since the Council refused planning permission, the appellant has removed the front garden areas to Nos 32-36 Burtinshaw Street and replaced them with three tarmac car parking spaces. However, and notwithstanding this car parking provision, I still consider that it would be necessary to submit a more comprehensive scheme which includes details such as defined turning/manoeuvring areas into these car parking spaces and

annotated boundaries/curtilages for each of the dwellings. These are matters which would need to be properly considered in respect of both the appeal site and adjacent residential site and potentially controlled from a planning condition point of view. This level of detail has not been adequately shown on the submitted plans.

11. I note that the appellant does not wish to erect any internal boundary fences (or other means of enclosure) and would like all of the land that surrounds the appeal building to be hard surfaced. He has also indicated that the proposed occupier of the dwelling would not want a garden. However, paragraph 17 of the Framework states that planning should seek *"to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings"*. I consider that it would be necessary to include defined areas of useable outside amenity space for all future occupiers of the proposed dwelling. The proposal fails to show this and this weighs against allowing the proposal. I do not doubt that it would be possible to define such outside amenity space as distinct from car parking, bin storage and vehicle manoeuvring areas. Whilst the appellant does not want to provide green/landscaped areas, I consider that some should be provided. The plans should show defined outside amenity space (including some landscaping) so that all future occupiers of the dwelling can live within an acceptable environment.
12. Without clearly defined boundaries, and the submission of a more comprehensive scheme (to also include waste management arrangements for 32-36 Burtinshaw Street), I do not consider that it is possible to fully consider and control car parking, outside amenity space and waste collection/storage matters both in respect of appeal site and the wider site owned by the appellant. Without the above level of detail, and the imposition of associated planning conditions, I am concerned that the occupiers of the appeal dwelling (as well as the occupiers of Nos 32-36 Burtinshaw Street) would potentially have to live within an environment where there was a lack of order in terms of vehicle manoeuvring, car parking and outside amenity space.
13. It is proposed to erect a bin store adjacent to the site entrance. It is not clear whether this would be for the appeal dwelling only, or whether it would also be used by the occupiers of Nos 32-36 Burtinshaw Street. In this case, I consider that insufficient information has been provided by the appellant relating to the overall provision, siting and capacity of containers for the storage of waste and recyclable material both within the appeal site and in respect of Nos 32-36 Burtinshaw Street.
14. It is proposed that the site entrance would be used by the occupiers of the proposed dwelling, as well as by the occupiers of three existing dwellings. Taking into account the close proximity of the front elevation of the proposed dwelling to the entrance of the site and bin storage area, and the lack of defensible space/boundary treatment which would separate the dwelling from these areas, I consider that it is reasonable to conclude that the level of vehicular and pedestrian activity would result in material levels of noise and disturbance for the occupiers of the proposed dwelling.
15. For all of the above reasons, I conclude that significant harm would be caused to the living conditions of the occupiers of the proposed dwelling. Therefore, the proposal would not accord with the car parking, waste and amenity aims of

Policies SP1, EN1, EN19, T2 and DM1 of the CS; the Framework and saved Policy DC26 of the Unitary Development Plan for the City of Manchester 1995.

Character and appearance

16. The proposal relates to the conversion of an existing double garage. In respect scale and massing, the proposal makes no changes. In this regard, the proposal would not change the character and appearance of the area.
17. Notwithstanding the above, it is proposed to replace two roller shutter doors (west elevation) with two patio doors. This elevation would be visible when viewed from the end of Burtinshaw Street (and the other surrounding properties) and the use of patio doors would not be reflective of the proportions and scale of window and door openings on the nearby terraced houses. I consider that in design terms it would have been possible to have opted for a more sympathetic and smaller entrance doorway on this elevation and with a smaller window sitting above a dwarf wall.
18. I conclude that the proposed alterations to the building would not appropriately reflect the proposed use, or the appearance of surrounding dwellings. Consequently, the proposal would not accord with the design aims of Policies SP1, EN19 and DM1 of the CS and the Framework.

Other Matters

19. I am aware that in dismissing this appeal it would mean that a dwelling is not provided for an individual who needs single storey accommodation. However, I have balanced the needs of the individual concerned with my conclusions on the main issues. Such needs are not sufficient to outweigh the harm that I have identified in this decision. In any event, it is open to the appellant to enter into further discussions with the Council about the submission of a more comprehensive and detailed scheme which may be capable of overcoming some of the concerns that I have raised in this decision.

Conclusion

20. Whilst I have concluded that the appeal dwelling would not be too small or cramped from an internal space point of view, I have found that in a number of other respects significant harm would be caused to the living conditions of the occupiers of the proposed dwelling, and the character and appearance of the area. These are overriding concerns and therefore the appeal is dismissed.

Daniel Hartley

INSPECTOR