
Appeal Decision

Site visit made on 4 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 28 October 2016

Appeal Ref: APP/B4215/W/16/3154784

22 Cravenwood Road, Manchester, Cheshire M8 5AE

- 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 Ammir W against the decision of Manchester City Council.
 - The application Ref 111976/FO/2016/N1, dated 24 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is described as "*change of use of cellar and ground floor into self-contained flats construction of dormer at rear.*"
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Notwithstanding the description of development in the banner heading above, which is taken from the application form, it is clear from the plans and accompanying details before me that the development comprises the conversion of the dwelling into three flats and a dormer window to the rear roof slope. The Council dealt with it on this basis and so shall I.

Main Issues

3. The main issues are:
 - The effect on the living conditions of occupiers of neighbouring properties with particular regard to noise, disturbance, parking demand and waste generation; and
 - The effect upon the balance of housing provision.

Reasons

Living Conditions

4. The appeal property is located in a predominantly residential area of Manchester. The building itself is a two storey, with cellar, end of terrace house. The dwellings on the southern side of Cravenwood Road are located at the back of the pavement and have shallow yards/gardens to the rear. This side of Cravenwood Road is characterised by densely developed housing with the majority having no off-street parking provision. The dwellings on Rebecca Street are at a lower level and there is an informal parking area on Rebecca Street as the part adjacent to Cravenwood Road is a no-through access.
 5. Paragraph 123 of the National Planning Policy Framework (the Framework) states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development.
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6. The change of use of the appeal property from one dwelling into three separate flats would result in an increase in the occupancy of the property from one to three households. Therefore, whilst it may not necessarily lead to an increase in the number of individuals living at the property, each household would generate its own separate level of activity. The level of activity resulting from three separate households is likely to result in more frequent comings and goings and different patterns of behaviour. In this respect, the potential impact of the development upon occupiers of neighbouring properties is intensified by the close proximity of the neighbouring properties.
7. Noise and disturbance can be generated by general activities that take place inside and outside of the property, such as those associated with the coming and goings of residents and their visitors. These can include disturbance from car engines and audio noise, the emptying of bins, people conversing and the opening and closing of doors at varying times throughout the day and night.
8. One of the matters that Policy DC5 of the Unitary Development Plan for the City of Manchester (UDP) identifies in relation to planning applications to convert property to flats is the effect on adjoining houses of noise from flats passing through party walls (DC5.1b). The occupiers of the ground and first floor flats would use the entrance on Cravenwood Road and the entrance hall adjoins 24 Cravenwood Road (No 24). Moreover, the introduction of general living accommodation at first floor level has the potential to increase noise and disturbance to the quieter living environment that is generally afforded to bedrooms in early mornings and late evenings.
9. The three households with separate shopping and eating habits are likely to generate more waste than a family who share food and meals and other household goods. However, I consider that if I were minded to approve the appeal the provision of sufficient waste bins could be controlled by condition. The rear yard would provide a location for the storage of refuse bins. Whilst this appears to be of sufficient size to accommodate the refuse bins the occupants of the first floor flat would have no direct access to it and would have to walk round to the rear yard from the front of the property. This is likely to increase the potential of noise and disturbance to the neighbouring properties from the comings and goings associated with the proposal.
10. There is currently no on-site car parking at the appeal property and no provision is made for any as part of the appeal proposal. Therefore, there would be likely to be an increased demand for on-street parking within the vicinity of the appeal property by the occupants of three flats as opposed to one dwelling. During my visit to the site in the middle of the day, I observed a moderate demand for on-street parking in Cravenwood Road and Rebecca Street. I acknowledge that my observations provided only a snap shot of local parking conditions and that parking availability may significantly decrease in Cravenwood Road and the surrounding area during periods of peak demand.
11. Nevertheless, I have no substantive evidence before me that would indicate that a modest increase in car parking demand arising from the development would result in unacceptable additional pressures or that it could not be adequately accommodated either within Cravenwood Road or in surrounding streets. I therefore consider that the development would not result in harm to highway safety or unacceptable inconvenience to the occupiers of properties in the surrounding area. However, the lack of harm in respect of the parking demand is a neutral consideration and does not outweigh the harm that I have identified above.

12. In conclusion the potential for noise and disturbance from the intensity and nature of the proposed development in the vicinity of the appeal property could have a significant adverse impact on the living conditions of neighbouring occupiers. No noise assessment has been submitted and as such I have no evidence before me in relation to existing background noise levels and proposed noise levels or possible mitigation measures.
13. Consequently, the proposal fails to demonstrate that it could be developed without causing significant adverse impacts on the living conditions of neighbouring occupiers with particular regard to noise and disturbance. Furthermore, from the information before me it appears likely that there is the potential to cause such harm. It follows that the proposal would conflict with Policies SP1 and DM1 of the Manchester Core Strategy (CS) and Saved Policy DC5 of the UDP in this respect. When taken together these policies seek to ensure that development does not have an adverse impact upon the local built environment, in terms of the amenity of the surrounding area including effects on adjoining occupiers. The proposal would also conflict with paragraph 123 of the Framework.

Balance of housing provision

14. The appeal property is presently a dwelling that is suitable for family occupation. Policy SP1 of the CS emphasises the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs. In seeking to achieve this, Policy H3 of the CS requires that priority be given to family housing and other high value, high quality development where this can be sustained in North Manchester. The approach of Policy H3 is based on evidence of a need for 3-4 bed family housing in the Housing Need and Demand Assessment 2010 as identified in the supporting text. There is no substantiated evidence before me which would indicate that the circumstances of housing need are now different.
15. The conversion of the appeal property to three flats would result in the loss of a house suitable for family occupation. However, the first floor flat would have three bedrooms and as such it would still be capable of being utilised by a family. As such there would not be a net reduction in the amount of dwellings capable of occupation by a family and two additional dwellings would be created. Consequently, the balance of family housing provision would not be harmed by the development. I acknowledge that the appeal proposal has the potential benefit of providing a range of housing including demand for affordable accommodation, and the potential contribution of the development to the creation of sustainable, inclusive and mixed communities. It follows that the proposal would comply with Policies SP1 and H3 of the CS.

Conclusion

16. I have taken into account the potential benefit of the appeal proposal as part of a range of housing that would not harm the balance of housing provision. However, this is outweighed by the harm to the living conditions of the neighbouring occupiers.
17. As such, on the basis of the evidence before me I conclude that the proposal would conflict with the development plan as a whole and, having had regard to all other matters raised, I dismiss the appeal.

D. Boffin

INSPECTOR