
Appeal Decision

Site visit made on 13 December 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 10th January 2017

Appeal Ref: APP/B4215/W/16/3159138
222-228 Plymouth Grove, Manchester M13 0AS

- 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 Resham Kleir against the decision of Manchester City Council.
 - The application Ref 112700/FO/2016, dated 4 July 2016, was refused by notice dated 13 September 2016.
 - The development proposed is the conversion of basement of an existing building into 5No. flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) Whether the proposal would provide adequate living conditions for future occupants with regard to the amount of light and amenity space;
 - ii) The effect of the development on crime and anti-social behaviour; and,
 - iii) The effect on the living conditions of the occupants of neighbouring flats, with regard to noise and disturbance.

Reasons

Living Conditions of Future Occupants

3. The proposed flats would be below ground level. The access to them would be via new entrances created in the existing recesses between the rear projecting gables. The only light serving the flats would be through the windows and doors on the rear and side elevations. Some of these windows would face onto the newly created entrance area whereas those serving the larger bedrooms would be served by light wells.
 4. The appellant states that they have carried out a study to establish how much light would serve the flats. However, there is no evidence of a full study before me or who it was undertaken by. Furthermore, there is no calculation provided for each of the windows regarding the daylight study for the living rooms. The evidence suggests that the Daylight Factor would be only 0.01% above the BRE recommended minimum. Given that it would be so close to the recommended minimum, this raises further concern regarding the sufficiency of the
-

information submitted with regard to the study. Therefore, based on the limited evidence provided, I can only attribute the findings of the study limited weight.

5. The appeal property is roughly south facing and therefore the windows would receive some direct sunlight. However, due to the windows being below ground level and the presence of the rear gable projections, they would also be in shade for much of the day throughout the year.
6. Whilst the bedrooms would likely be served by sufficient levels of natural light, given that the open plan living/kitchen area would only be served directly by the front door and narrow sidelight, they would not provide an adequate amount of natural lighting. Consequently, the lack of natural lighting would result in an oppressively confined level of accommodation. I have also had regard to the Council's argument that if a glazed front door is relied upon to provide natural lighting, given that it would be accessed via a shared courtyard area, this would likely raise privacy issues. Therefore it is reasonable to conclude that the door would likely be screened in some way to provide privacy and therefore further reduce the amount of light.
7. Notwithstanding the lack of natural lighting, there is no substantive evidence that the proposal would not provide adequate ventilation.
8. The flats would not have any private outdoor amenity space. The only available space would be the courtyard and planted area by the entrance door. As four of the flats would have a shared courtyard which would be used as an access route into the flats, it is unlikely that they would be suitably adequate for amenity space, for example, one would unlikely sit out there in warm weather as you would be obstructing the access to the neighbouring flat. Furthermore, the planted area would not be on level ground, therefore limiting its usability.
9. I note that the existing flats and neighbouring flats do not have outdoor amenity space. Notwithstanding the lack of evidence regarding the planning history of these developments, as the proposed flats would not be served by adequate natural lighting, the lack of suitable outdoor amenity space would only exacerbate the harm that the confined living accommodation would have on the living conditions of the future occupants.
10. I find therefore that the proposal would not provide adequate living conditions for future occupants. As such, it would be contrary to Policy DC5 of the Unitary Development Plan for Manchester (UDP) 1995 and Policies DM1 and SP1 of the Manchester City Council Core Strategy Development Plan Document (DPD) 2012, which seek to ensure that development has regard to the standard of accommodation for the intended occupiers, protects residential amenity, and makes a positive contribution to the health and wellbeing of residents.

Crime and Anti-social Behaviour

11. Access to the flats would be to the rear of the building. As a result, they would not be visible from any public vantage points. The car park area would be overlooked to some extent by the existing flats through their rear windows. However, the entrances to the flats would be below ground level and in between the existing rear gable projections. Consequently, there would be a lack of natural surveillance of the entrance to the flats.

12. The appellant states that a security gate would be installed to restrict access to the rear car park to the occupants of the proposed flats only and external lighting would be erected. However, the gates themselves would also not be readily visible from the public domain. Therefore, I do not consider that these measures would sufficiently mitigate the lack of natural surveillance of the site and its isolation from the public domain.
13. I have had regard to the appellant's argument that the proposal would improve the security of the site. However, the existing flats are not accessed via the rear of the building and therefore their risk to crime is limited. Furthermore, it is contended that the proposal is better than most new apartment schemes. However, I have not been provided with any such examples and therefore cannot draw any direct comparison with the proposal before me.
14. The area already experiences a degree of crime, including burglaries, as evidenced by Greater Manchester Police. I note the appellant's argument that the Greater Manchester Police's comments were based on a previous scheme. Nevertheless, overall, I find that the isolated location of the flats, even with the installation of a security gate, would be exposed to an unacceptable risk of crime and anti-social behaviour. As such, it would be contrary to Policy DC5 of the UDP and Policies DM1 and SP1 of the DPD, which seek to ensure that development has regard to the standard of accommodation for the intended occupiers, community safety and crime prevention and makes a positive contribution to the safety of residents. Furthermore, it would fail to accord with the advice contained in the Manchester City Council Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, which promotes a safe environment, in particular by providing informal surveillance.

Living Conditions of Neighbouring Residents

15. The existing building comprises fifteen residential units. These are accessed from the front of the building. As a result of the high density residential accommodation, there would already be a certain degree of noise and disturbance within and around the site. However, this would be mostly to the front of the building. In contrast, as a result of its underutilisation, the rear area would be quiet, providing a relief to the busier frontage.
16. At the time of my site visit the rear of the appeal property was vacant. I note the appellant's assertion that it is used as a car park. However, given that the access to the existing flats is to the front of the building, where there is also parking provision, it is likely that existing occupants would be more inclined to park there rather than to the rear. Therefore, I find that the proposal would increase the use of the rear area of the site. This would result in an increase in noise and disturbance through car engines running, car doors opening and closing, people conversing and general comings and goings of the occupants of the proposed flats. The existing flats have windows that look directly over the rear of the site and would be within proximity of the entrances to the proposed flats. The increase in noise and disturbance at the rear of the building would have a significantly harmful effect on the occupants of the existing flats, particularly as they would already be subject to noise and disturbance to the front of the site.
17. I find therefore that the proposal would significantly harm the living conditions of the occupants of the neighbouring flats, with regard to noise and

disturbance. As such, it would be contrary to Policy DC5 of the UDP and Policies DM1 and SP1 of the DPD, which seek to protect residential amenity.

Other Matters

18. I have had regard to the Council's argument that the proposal offers no benefit to the existing property. It would provide adequate off-road parking, soft landscaping and bin storage for the proposed flats without detriment to the existing properties with regard to these matters. I find no reason, with regard to local or national policy, why the proposal must provide benefit to the existing properties. In any event, these matters do not outweigh the harm I have identified above.

Conclusion

19. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR