
Appeal Decision

Site visit made on 23 January 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 3 February 2017

Appeal Ref: APP/B4215/W/16/3160904

21-23 Clyde Road, Manchester M20 2NJ

- 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 Sandileaf Ltd against the decision of Manchester City Council.
 - The application Ref 112404/FO/2016, dated 6 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is conversion of existing basements to provide 2no. 2 bedroom dwellings, formalised car parking area, provision of cycle shelter, bin storage and new amenity areas.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of existing basements to provide 2no. 2 bedroom dwellings, formalised car parking area, provision of cycle shelter, bin storage and new amenity areas at 21-23 Clyde Road, Manchester M20 2NJ in accordance with the terms of the application, Ref 112404/FO/2016, dated 6 June 2016, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Sandileaf Ltd against Manchester City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The appellant has submitted a revised plan (drg. no 2011.01.08.02 Rev D) to this appeal which includes a proposed side elevation facing 25 Clyde Road that was omitted from the plans upon which the Council made its decision. The amendments relating to the access arrangements to the basement are minor, as compliance with Building Regulations will be necessary in any case. The parties have had an opportunity to comment on the minor amendments proposed as part of the appeal submission. I, therefore, accept the revised plans and determine the appeal accordingly.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of Albert Park Conservation Area;
 - whether the development would provide for a satisfactory living environment for existing residents and future occupiers of the host building, with
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particular regard to amenity space, and refuse and bin storage arrangements, and;

- the effect on the living conditions of occupiers of neighbouring properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site lies within Albert Park Conservation Area. Clyde Road and the surrounding streets consist of predominantly large three storey Victorian properties in a mix of detached and semi-detached properties, together with some terraces. There is a broad consistency of front building lines along the tree lined streets. The appeal property consists of the former middle and left hand end properties within a terrace of 3, which have been previously converted into 10 flats spread over 3 floors.
6. The traditional appearance of the appeal property and the buildings surrounding make a positive contribution to the character of the Conservation Area, and are part of its significance as a heritage asset. Basement developments are a common and complementary addition to a significant number of buildings. However, I observed that the curtilages of many properties in Clyde Road have been unsympathetically altered as part of conversions to self-contained flats and HMOs¹ to provide driveways and parking areas. The conversion of a significant proportion of properties in Clyde Road together with the associated loss of front boundary walls, garden space to hardstanding and a predominance of bin storage at the front of properties, has reduced the harmony and verdant character of the street.
7. Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy (CS), adopted July 2012, amongst other things, seek that developments should create well designed places which enhance or create character, protect and enhance the built environment and have regard to the character of the surrounding area. The policies are supplemented by Saved Policy DC18.1a of The Manchester Plan, the Unitary Development Plan for the City of Manchester (UDP), adopted July 1995, with respect to heritage assets.
8. Saved Policy DC18.1a of the UDP seeks to preserve and enhance the character of designated conservation areas by carefully considering, amongst other things, the effect of major changes to the appearance of existing buildings and the desirability of retaining existing features, such as boundary walls, gardens and trees. The UDP significantly pre-dates the publication of the National Planning Policy Framework (the Framework). Nevertheless, Saved Policy DC18.1a remains consistent with the Framework in terms of its approach to designated historic assets and is given considerable weight.
9. With regard to the above, the proposal involves changes to the external appearance of the building through the creation of light-wells and access to the 2 basement flats. When taking account of the predominance of similar basement conversions to a significant number of other properties, the works to the front, side and rear elevations of the property would not have a harmful impact upon the character and appearance of the building or those surrounding.

¹ Houses in Multiple Occupation

10. The proposal would include alterations to the existing curtilage of the building, and at the front and rear of the neighbouring semi-detached property (19 Clyde Road). The changes would involve modifications to the layout of existing small grassed areas and hardstanding to the front of the properties. The side access and rear parking area would also be reconfigured to provide additional grassed areas at the side and rear of the properties, a screened bin store and a secure cycle shelter.
11. There is an absence of harmony of frontages along Clyde Road with a predominance of bin storage and parking that is currently visible. Consequently, the changes to the curtilage of Nos. 19 and 21-23 at the front would not harm the character and appearance of the immediate street scene. Moreover, the addition of a screened bin store at the side of the properties would offer a minor benefit by reducing the prominence of bins currently stored informally in those locations.
12. Views of the rear parking area and grassed areas are limited to glimpses from the access between Nos. 19 and 21-23 and viewpoints from the rear elevations of surrounding properties that are mostly screened. The use of rear gardens as parking areas and hardstanding, with little garden space remaining is a common feature of the local area. Consequently, the change to the layout of this area and addition of secure cycle parking would have no detrimental impact on the character and appearance of the site and the surrounding area.
13. It is reasonable to consider that the activity in terms of comings and goings related to the occupation of a further 2 flats would increase. However, the existing property currently comprises 10 flats and there is a predominance of other surrounding properties containing flats or used as HMOs. In such circumstances, the addition of 2 flats would not be a significant intensification of residential use that would significantly alter the pattern of existing activity or harm the character of the surrounding area.
14. As the site is in a Conservation Area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the Framework requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. I have found that the development would sustain the significance of the Albert Park Conservation Area as desired by paragraph 131 of the Framework. There would be no harm to the local character and distinctiveness of the surrounding area and a minor benefit to the appearance of the site through the addition of screened bin stores.
15. I conclude that the development would preserve the character and appearance of Albert Park Conservation Area. The development would not, therefore, be contrary to Policies SP1 and DM1 of the CS, Saved Policy DC18.1a of the UDP or the Framework.

Living environment – existing and future residents of the host building

16. Policy DM1 of the CS requires regard to the adequacy of internal accommodation and external amenity space. Such requirements, amongst other things, are also included in Saved Policy DC5 of the UDP which relates specifically to proposals to convert property to flats.

17. There is no dispute between the main parties that the internal accommodation provided by the 2 flats would offer a suitable living environment for future residents. Based on the evidence before me, I have no reason to take a different view, as each habitable room at basement level would be adequately sized and served by a window with lightwell.
18. The current layout of the rear parking area with hardstanding and the shallow front garden space, limits the existing amenity space that serves Nos. 19, 21 and 23. However, I observed that this was not an uncommon situation in an area where rear parking areas are prevalent. The provision of amenity space and private gardens is not guided by specific standards. Nevertheless, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (SPD), adopted April 2007, does seek that all new developments should be designed to provide on-site amenity space and which is informed by, and relates to, the character of the area. However, it also guides that density levels must be informed by the character of an area and the specific circumstances of a proposal.
19. The privacy and form of amenity space required to serve a dwelling functioning as a single household differs to the communal amenity space that characterises flatted development. The limited amenity space currently afforded to the appeal property would be enhanced by the reconfiguration of the car park, which would create a larger amenity area at the rear suitable for occupants to use as a communal and multi-functional space, including as a seating area or to hang washing. A smaller area at the rear of No 19 is more distant from that property and therefore, would be more likely to be suitable as an area of planting rather than an amenity space or seating area.
20. With regard to the above, the resultant arrangements for amenity space provision as proposed are an improvement upon those existing and would suitably meet the characteristic needs of existing and future occupants of flats for smaller communal spaces. Parks and other open spaces within walking distance of the site offer additional opportunities for amenity and recreation.
21. The Council raised other concerns regarding the cumulative effect of refuse and bin storage. I observed that several properties consisting of flats in the area, including those subject to this appeal, have informal arrangements in place using driveways, pavements and gardens for such purposes which appear unattractive. Nevertheless, securing adequate space for bin storage and ensuring that adequate management practices are put in place, notwithstanding the details on the submitted plans, could be controlled by condition. In doing so, the proposal would directly improve the existing situation, despite increasing the density of development.
22. During my visit I observed that there is space at the side of the building to accommodate the additional bin storage, but it could require the loss of parts of the grassed areas proposed at the side of the property. However, such arrangements would not differ from those existing and would be screened as proposed. The loss of part or all of the proposed grassed areas would not be harmful, as their narrow width and proximity to the access would reasonably preclude any alternative use by residents or function as amenity space.
23. Taking all of the above into account, I conclude that the development would provide a satisfactory living environment for existing residents and future occupiers of the host building. The proposal would not be a harmful or over-

intensive use of the site and, therefore, would not be contrary to Policy DM1 of the CS, Saved Policy DC5 of the UDP or the guidance within the Guide to Development in Manchester SPD. The policies are consistent with the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Living conditions of neighbouring properties

24. As previously mentioned, the existing property and the wider surroundings of Clyde Road consist of a predominance of flats and HMOs. A transport statement prepared by Vectos Transport Planning Specialists dated May 2016 was provided as part of the application. An acoustic report prepared by dBx Acoustics Ltd dated 26 September 2016 has been submitted by the appellant as part of this appeal to assess the effect of the proposal.
25. The acoustic report concludes that the increase in daily vehicle movements from 29 to 36 trips identified by the transport statement, and a 20% increase in pedestrian movements (to reflect a change from 10 to 12 flats) would result in respective increases of less than 1 dB relative to the overall noise level arising from traffic on Clyde Road. Consequently, the acoustic report concludes that *'the associated vehicular and pedestrian movement associated with the additional residential units will have no measurable or perceptible increase in noise levels affecting either the existing residents, or those in the surrounding community'*. The Council have expressed concerns regarding the intensification of the use of the site but have not provided any contrary evidence to the acoustic report. Furthermore, a consultation response from a Council Environmental Protection officer during the application offered no objection.
26. Based upon the evidence before me and taking account of the high density of flats in the surrounding area, I have no reason to take a different view to the conclusion of the acoustic report. The Council have offered no concerns with respect to the effect of internal arrangements of the flats relative to those existing or adjoining at No 25. However, the Council have suggested that a further 2, 2 bedroom residential units could result in up to 8 additional occupants, which would be more than a 20% increase in occupancy of the building arising from the development. Nevertheless, there is no substantiated evidence before me that such an increase in residents would cause a significant increase in noise and disturbance compared to the occupation of the existing 10 flats or considerably above the levels assessed in the acoustic report. The additional vehicle movements and any comings and goings associated with 2 flats would not be significant in that context and when taking account of the existing use of surrounding properties on Clyde Road.
27. I conclude that there would be no harm to the living conditions of occupiers of neighbouring properties, in terms of noise and disturbance. The proposal would not, therefore, conflict with Policies SP1 and DM1 of the CS and Saved Policy DC5 of the UDP. 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 houses. The policies are consistent with the Framework.

Other Matters

28. In reaching my conclusions on the main issues, I have taken into account an appeal decision at 26 Clyde Road² nearby and a Council decision at 27-29 Clyde Road, that have been brought to my attention. There are some parallels with the decisions and matters addressed such as amenity space, refuse and bin storage and noise and disturbance. However, the full details of the previous appeal proposal and nearby planning application are not before me. I have, therefore, reached my own conclusions based on the evidence before me and the individual merits of the appeal proposal.
29. The existing access and car parking arrangements proposed would accommodate the limited demand arising from the development. There is no evidence which would indicate that a disabled parking space could not be provided, if necessary, on-street or within the car parking area. Consequently, there would be no detrimental impact on highway or pedestrian safety.
30. Representations from an interested party have drawn my attention to the inclusion of the pedestrian footway of Clyde Road within the red edge on the location plan. However, based on the submitted plans, the existing pedestrian footway would be unaffected by the development proposed and therefore, it is a matter which I need not consider further.

Conclusion

31. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be allowed and planning permission granted subject to conditions as set out below.

Conditions

32. The Council provided a suggested list of conditions, including requiring a scheme for storage and disposal of refuse, availability and surfacing of the car parking area, implementation of cycle parking and provision of landscaping. The conditions are reasonable and necessary. Where appropriate, the wording has been slightly amended to accord with paragraph 206 of the Framework and to reflect that only details of landscaping are required to be agreed pre-commencement due to the limitations of planting seasons.
33. In the interest of certainty in terms of the planning permission granted, conditions indicating the time limit for the development to commence and to ensure that the development is carried out in accordance with the approved plans are necessary and are also included. It is also necessary that a condition is imposed to ensure samples of materials are submitted to and agreed by the local planning authority. This is required in the interest of achieving a satisfactory appearance of the development and preserving the character and appearance of Albert Park Conservation Area. The submission and agreement of materials and samples are necessarily imposed as a pre-commencement condition.
34. Greater Manchester Police recommend submission of a crime prevention plan. However, such details are not necessary to make the development acceptable.

Gareth Wildgoose

INSPECTOR

² APP/B4215/A/14/2225490 – Allowed – 2 December 2014

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (dated July 2016), 211.01.08.01 and 2011.01.08.02 Rev D.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until full details of all proposed hard and soft landscape works, including details of boundary treatments, paved areas and other hard surfaces and landscape planting, have been submitted to and approved in writing by the local planning authority. All landscaping works shall be carried out in accordance with the approved details before the end of the first planting season either following the first occupation of the development hereby permitted or the substantial completion of development, whichever is sooner. Any trees or plants which within a period of 5 years from substantial completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.
- 5) Notwithstanding condition 2, prior to the occupation of the development hereby permitted, a detailed scheme for the storage, management and collection of refuse shall be implemented in accordance with details submitted to and agreed in writing by the local planning authority. The agreed scheme shall be adhered to at all times thereafter.
- 6) Notwithstanding condition 2, prior to the occupation of the development hereby permitted, full details of space and facilities for cycle parking shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be occupied until space has been laid out within the site and made available for cycle parking in accordance with the approved details. The approved cycle parking shall be permanently retained as such thereafter.
- 7) Prior to the occupation of the development hereby permitted, the car parking areas shall be laid out within the site and made available in accordance with the approved plans. The car parking areas shall be permanently retained as such thereafter.