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## Appeal Decision

Site visit made on 24 April 2017

**by Gareth Wildgoose BSc (Hons) MSc MRTPI**

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

**Decision date: 17 May 2017**

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**Appeal Ref: APP/B4215/W/17/3168096**

**20 Bosley Avenue, Withington, Manchester M20 1BQ**

- 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 Aram Homayouni against the decision of Manchester City Council.
  - The application Ref 114021/FO/2016, dated 22 September 2016, was refused by notice dated 17 November 2016.
  - The development proposed is 'conversion from dwellinghouse into 2No. two bedroom self-contained flats with two storey side and part single storey, part two storey rear extension'.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The description of development provided by the application form has been updated in subsequent documents. The description of development provided by the appeal form is accurate with respect to the proposal before me and I adopt it accordingly.

### Main Issues

3. The main issues of this appeal are:
  - the effect upon the supply of housing suitable for family occupation in the area, and;
  - the effect on the living conditions of occupiers of neighbouring properties, with particular regard to matters of outlook relating to Nos. 16 and 18 Bosley Avenue and noise and disturbance.

### Reasons

#### *Supply of housing suitable for family occupation*

4. The appeal property is a semi-detached 3-bedroom house located on Bosley Avenue in South Manchester within a predominantly residential area consisting of a mix of semi-detached and terraced properties. The locality is characterised by single family housing. However, there are examples of existing flats including the adjacent end terraced property addressed as Nos. 16 and 18 Bosley Avenue (Nos. 16 and 18).
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5. Policy SP1 of Manchester's Local Development Framework Core Strategy (CS), adopted July 2012, provides key spatial principles which, amongst other things, emphasise the creation of neighbourhoods of choice outside of the regional centre. Policy H1 of the CS is focussed upon overall housing provision within Manchester and indicates that new housing will be predominantly in the North, East, City Centre and Central Manchester, which consist of the regional centre and inner areas. The policy indicates that outside of the inner areas, the emphasis will be upon increasing the availability of family housing, therefore lower densities may be appropriate.
6. South Manchester lies outside of the inner areas, where Policy H1 is supplemented by Policy H6 of the CS. This policy, amongst other things, states that high density development in South Manchester will generally only be appropriate within a number of listed district centres, including Withington, as part of mixed-use schemes. Outside of district centres priorities will be for housing which meets identified shortfalls, including family housing. The supporting text suggests that it is important to increase housing choice by adding to the stock of larger housing units to complement new housing on higher value sites to retain or attract high income areas by releasing under-occupied housing.
7. The proposal seeks conversion of an existing 3-bedroom family house into two self-contained 2-bedroom flats. The proposed development would result in the loss of a single family dwellinghouse and replacement with higher density flats outside of a district centre. The 2-bedroom flats would be less suitable for occupation by families. The Council have provided evidence that the appeal property is subject to an Article 4 direction removing permitted development rights for changes of use to a House in Multiple Occupation (HMO). With that in mind, although Policies H1 and H6 of the CS do not include a specific presumption against the loss of family homes in South Manchester, it reasonably follows from policies seeking to increase the availability of family housing in the locality that the loss of existing family housing should be avoided where possible.
8. There is no specific policy requirement to demonstrate that the appeal property is unmarketable as a family home. Furthermore, there are existing flats nearby on Bosley Avenue, which prevents specific conflict with Saved Policy DC5.4 of the Unitary Development Plan for the City of Manchester (UDP), adopted July 1995, with respect to the character of the street. Nevertheless, given the proximity of the appeal property to other family housing in Bosley Avenue and its existing layout, I am not satisfied that it is no longer suitable as a family home or that the presence of nearby flats justifies the harm arising from its loss. The harmful effect of the loss of housing suitable for families is also not outweighed by the potential increase in housing supply arising from the provision of 2 flats comprising less than 3 bedrooms.
9. I conclude that the development would have a harmful effect upon the supply of housing suitable for family occupation in the area. The proposal would, therefore, conflict with Policies SP1, H1 and H6 of the CS. The policies are consistent with the National Planning Policy Framework (the Framework).

*Living conditions - neighbouring properties*

10. Policy DM1 of the CS, amongst other things, requires regard to specific issues such as impact on the surrounding area in terms of the design, scale and

appearance of the proposed development and effects on amenity. These considerations relate to the living conditions of occupiers of neighbouring properties and are consistent with the core planning principle of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

11. Nos. 16 and 18 are flats within an end terrace property located to the side of the appeal property. The front building line of Nos. 16 and 18, together with its adjoining terraced row, are significantly set back from the front building line of No 20. As a consequence, the side gable of No 20 already has an overbearing effect on the windows in the front elevation of Nos. 16 and 18. The existing arrangement also causes some overshadowing of the habitable windows in the front elevation of Nos. 16 and 18 for periods of the day, due to their south eastern aspect and the relative position of No 20 to the south.
12. The proposal includes a two storey extension to the rear of No 20, which would extend to the side up to the common boundary with Nos. 16 and 18. A significant proportion of the extension would project forward of the front building line of Nos. 16 and 18 due to its set back position. Consequently, the resultant scale, bulk and massing of the extension would be visible from the habitable windows in the front elevation of Nos. 16 and 18 in closer proximity than the existing side gable of No 20. This would result in an increased sense of enclosure and overbearing effect upon Nos. 16 and 18, together with a further loss of light to the habitable windows in the front elevation for some periods of each day. These harmful effects would have a detrimental impact upon the living conditions of occupiers of Nos. 16 and 18.
13. The appellant has drawn to my attention that alternative extensions and outbuildings could be erected without the need for planning permission. Be that as it may, to my mind any such extension or outbuilding would be less harmful to the living conditions of occupiers of Nos. 16 and 18 than the proposal before me.
14. An absence of facing windows towards Nos. 16 and 18 would prevent any privacy concerns and such arrangements could be maintained by condition if the appeal were allowed. The two storey rear extension is also set in from the common boundary with No 22 Bosley Avenue (No 22) and therefore, would not have an adverse effect upon the outlook from the windows in the rear elevation of that property. A single storey element would be located closer to the common boundary with No 22, which although of significant depth would have a monopitch roof design that would ensure a reduced bulk and massing at its furthest extent. This would prevent any overbearing effect or harmful sense of enclosure upon the ground floor windows in the rear elevation of No 22 and its rear garden. The absence of facing windows towards No 22 would prevent overlooking and loss of privacy to that property. However, the absence of concern in those respects is a neutral factor which does not justify the harm otherwise identified.
15. The conversion of a 3 bedroom house to two 2-bedroom flats would retain a similar external appearance to the existing dwelling, albeit extended if the appeal were to be allowed. The occupation of flats has the potential to increase general levels of activity associated to a building above that of a typical dwelling occupied by a single household. Nevertheless, given that the scale of development relates to conversion of an existing dwelling to 2 flats

with only a moderate increase in floorspace proposed, any increase in activity and associated noise would not be significant. As a consequence, the proposal would not result in additional noise and disturbance to an extent that would be harmful to the living conditions of occupiers of the closest neighbouring properties at Nos. 16 and 18 and No 22. However, the absence of concern in that respect is also a neutral factor.

16. Having regard to all of the above, I conclude that the development would harm the living conditions of occupiers of Nos. 16 and 18 Bosley Avenue, due to the detrimental impact of the proposed extension upon their outlook. The proposal, therefore, conflicts with Policy DM1 of the CS and the Framework.

### **Other Matters**

17. The development would have benefits in terms of an increase in housing supply as previously mentioned. There would also be economic benefits in terms of employment and the local supply chain during construction, together with support for local services once the flats were occupied. However, the benefits in those respects are limited by the scale of the development proposed and do not outweigh the harm identified.
18. The design and set back position of the extension would ensure that it does not have a harmful effect upon the character of the host property and the surrounding area. However, the absence of concern in that respect is a neutral factor.

### **Conclusion**

19. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

*Gareth Wildgoose*

INSPECTOR