
Appeal Decision

Site visit made on 9 May 2017

by Katie Peerless Dip Arch RIBA

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

Decision date: 24 May 2017

Appeal Ref: APP/B4215/C/16/3158848
52 Purcell Street, Manchester M12 4NU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Shahid Shahid against an enforcement notice issued by Manchester City Council.
 - The enforcement notice, numbered ENF/12750/15, was issued on 16 August 2016.
 - The breach of planning control as alleged in the notice is the material change of use of a dwellinghouse to two self-contained flats.
 - The requirements of the notice are: cease using the property as self-contained flats.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issues

2. I consider that the main issues in this case are the effect of the development on:
 - (i) the supply of family sized dwellings in the city,
 - (ii) the living conditions of existing and future occupants, with particular reference to the standard of the accommodation and the availability of amenity and parking space and
 - (iii) the residential amenity of neighbours, with particular reference to noise and disturbance.

Site and surroundings

3. The appeal property is a 2 storey centre terrace house amongst similar properties in a residential street. The houses stand close to the road, where there is a single carriageway with parking and a pavement on one side. The house has been sub-divided into 2 flats, each with a bedroom, bathroom, living room and kitchen and has a small rear yard area accessed from the ground floor flat. At the time of the site visit, the ground floor bedroom contained a double bed and the first floor bedroom had 2 double beds and a cot.

Reasons

Supply of family dwellings

4. The City Council has made an Article 4 Direction that has removed permitted development rights for the conversion of Class C3 dwellinghouses into Class C4 houses in multiple occupation. Although the appeal property has not been converted to a C4 use, the underlying reason for the Direction is to maintain the supply of family-sized dwellings in the City. This is supported by policy H5 of the Manchester Core Strategy 2012 to 2027 (CS) which gives priority to family housing; the conversion is therefore directly contrary to this policy.
5. Although the appellant makes the point that flats of this size could be suitable for '*small scale single person accommodation*', it was clear from my site visit that the properties were being occupied by more than a single person. In addition, the appellant has put forward no evidence to show that the need for small flats outweighs the need for family houses in this locality.
6. I agree that there has been no change to the external appearance of the building and accept that there may well be other properties of this size nearby. This does not, however, address the concern that the conversion has resulted in the loss of what has, through adopted policy, been established as a much needed family house. The Council has drawn my attention to a number of other recent appeal Decisions where Inspectors have concluded that to allow such conversions as this would seriously undermine the objective of retaining and increasing the supply of family accommodation. I find no reason to disagree with the conclusions drawn in these Decisions and note that, if permitted, it would be difficult for the Council to apply the policy restrictions to other similar proposals, resulting in a cumulative and harmful impact on housing supply.

Parking provision

7. The planning application that is the subject of the ground (a) appeal must be determined in accordance with Development Plan policies unless material considerations indicate otherwise. Saved policy DC5 from the Manchester Unitary Development Plan 1995 (UDP) notes that when considering conversions to flats, regard will be paid to, amongst other things, the availability of space for car parking. Whilst occupants of the unconverted house could have the same number of vehicles as occupants of 2 flats, it seems to me to be more likely that the creation of an additional dwelling would have the consequence of increasing demand for the limited number of parking spaces available in Purcell Street, contrary to this policy, particularly as it is likely that 2 individual households would each be likely to expect a parking space.

Residential amenity

8. I am not persuaded that the conversion would necessarily result in undue noise or disturbance for neighbouring occupiers or unacceptable living conditions for a single occupant, although the units would be cramped for 2 or more as seen at the site visit. I am, however, concerned that the first floor flat has no direct access to the outdoor space at the rear of the house. Occupants therefore do not appear to have use of the external amenity area and even if they had, the space available does not lend itself to being readily shared by 2 households.

9. The current layout would also mean that, in order to avoid the refuse bins being located in the street or the passageway to the rear of the properties, the bins for both flats would need to be located in the rear yard which would not, in my view be a satisfactory arrangement. Again, the lack of amenity space and refuse storage fail to meet the standards set by policy DC5.

Conclusions

10. In conclusion, I am not persuaded that there are any reasons that indicate that the requirements of the adopted development plan should be set aside or that there are any material considerations that outweigh the harm arising from non-compliance with the policies identified above.
11. Therefore, for the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Katie Peerless

Inspector