
Appeal Decision

Site visit made on 8 May 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/B4215/W/17/3169786
15 Central Road, Manchester M20 4YE

- 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 John Morris against the decision of Manchester City Council.
 - The application Ref 113956/FO/2016, dated 18 September 2016, was refused by notice dated 16 December 2016.
 - The development proposed is alterations and conversion of basement to form self-contained flat including construction of new light wells.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant states that the proposal would result in an increase in the number of bed spaces from 5 to 7, though has confirmed that rather than the proposal providing two new units of accommodation, the single additional unit could be occupied by two people. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would amount to an intensification of the use of the property which would adversely affect the living conditions of neighbouring residents and future occupants of the proposed basement flat in terms of noise and disturbance and demand for car parking.

Reasons

4. The appeal site is located within a three storey semi-detached property which has already been converted into 5 dwellings, a mixture of one bedroom and studio flats. These are all presently accessed via the front entrance. The plans indicate that the proposed additional basement dwelling would, in addition to the front entrance, be accessed via a side door and also rear double doors opening out onto a light well.
 5. The proposal would result in an intensification of the use of this building. However the additional internal noise and disturbance generated by the use of basement unit in terms of day-to-day living, such as doors shutting, the use of staircases and loud voices, would not be noticeable above the existing levels of usage within the building. In this respect there would be no significant harm to the living conditions of the existing occupants of No 15, nor the occupants of the neighbouring property, No 13.
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6. However, the use of the side and rear entrances to the basement flat would generate additional noise and disturbance for existing occupiers. Specifically, the rear light well and entrance would be located directly below the main rear window of the ground floor studio flat. In addition to providing an entrance, the light well would be a sheltered and private external area for the basement flat which could be used for outdoor sitting. Such activity in close proximity to the living and sleeping space of the studio flat above would be likely to lead to noise and disturbance for the occupiers of this dwelling. This would be particularly apparent during the summer months when it would be likely that the main windows of this dwelling, which appear to be double doors opening onto a Juliette balcony, would be open.
7. The additional side entrance to the basement flat would be directly below the bedroom associated with the front ground floor flat. As the refuse storage point would be located close to this entrance it is likely that the occupiers of the basement dwelling would find this a convenient route to use when disposing of their waste. As such its regular use would similarly lead to noise and disturbance close to the sleeping area of the occupiers of the front ground floor flat.
8. The refuse storage and collection point was, at the time of my site visit, located within the rear yard of the property. The proposal would re-locate the bins at the side and towards the rear of the dwelling. This would mean that the noise and activity associated with the regular use of the containers, including their movement on collection day, would be in close proximity to the living/sleeping space of the rear ground floor studio flat and the bedroom of the front ground floor flat. This activity, coupled with the fact that the occupants of the additional flat would undoubtedly create more refuse and so additional activity in this area, would have a detrimental effect on the living conditions of the occupiers of these units in terms of noise and disturbance.
9. The occupiers of the basement flat itself would be similarly affected by virtue of the location of the bins adjacent to the bedroom. Refuse containers in this location would also generate some noise and disturbance for the occupiers of the adjacent property to the south, No 17, due to the relatively narrow gap between these properties.
10. There is currently no off-road parking provision at this property and the proposal does not make any provision for parking. As there are no parking restrictions in place along Central Road it is possible that there would be an increase in demand for on street parking in the vicinity of the appeal site by the occupants of the basement flat. The Council's Highway Services confirm that there is high demand for parking in this area. I noted at the time of my site visit during the early afternoon on a weekday that few on street parking spaces were available. Whilst some properties do have private off road parking areas, it is inevitable that on-street parking pressures worsen outside working hours.
11. The appellant points to the fact that the site is located close to the Burton Road local centre and is within walking distance of a metro link tram station and a number of bus routes. In this respect it is suggested that the proposal would accord with the principles of the Manchester Core Strategy Development Plan Document 2012 (CS) Policy SP1 which, amongst other things, seeks to maximise the potential of the City's transport infrastructure, in particular by promoting walking, cycling and the use of public transport.

12. Whilst I accept that the flat would be conveniently located in relation to public transport provision, this does not mean that the flat occupiers would not choose to have access to private transport. I note that the appellant has submitted a letter from a local estate agent suggesting that a flat in this location would be attractive to young professionals, and also that more people are becoming reliant on public transport. I also note the appellant's reference to the fact that there is only one car owner amongst the tenants of the existing refurbished flats. However this fact does not in itself preclude car ownership by existing or future occupiers. The car parking situation in this area at the present time suggests that such pressures are and will remain acute. Therefore, whilst the demand generated by one additional unit would be limited, further parking pressures in this area would be detrimental to the living conditions of the current and future occupiers of No 15, and the occupiers of other local dwellings.
13. If the front garden area were to be used for parking this would reduce the amount of private space around the dwelling. Furthermore, as it is unlikely that this area would be able to accommodate more than one vehicle, and noting that this would result in the loss of an on street parking space, it would not effectively address this issue.
14. I appreciate that other basement flats in Central Road have been approved by the Council, including that at No 20. I am not aware of the full circumstances of these cases, though I note that off road parking is available to the rear of No 20. I have therefore considered the current appeal on the basis of the details before me.
15. Drawing the threads of this discussion together, I have found that the internal use of the basement flat would not lead to a detrimental effect on the living conditions of the occupiers of the first and second floors of the host building. However, the intensification of the use of the external area of this building would have a detrimental effect on the living conditions of the occupiers of the ground floor units, neighbouring occupiers and the future occupiers of the basement unit, in terms of noise and disturbance. I have also found that the possible additional demand for on street car parking would have a detrimental effect on the living conditions of occupiers of the host and neighbouring properties.
16. The proposal would therefore conflict with Policies SP1 and DM1 of the CS which, amongst other things, require that development should not have a detrimental effect on amenity, including noise and traffic generation, and that it should make a positive contribution to the wellbeing of residents. It would also conflict with saved Policy DC5 of the Manchester Unitary Development Plan 1995 (UDP), which sets out requirements for flat conversions in terms of the standard of accommodation, the adequacy of car parking and the provision of refuse storage and collection facilities. UDP saved Policy DC26 is referred to in the Council's decision notice but appears to relate to the relationship between different land uses in terms of noise generation and so is not directly applicable to this case.

Other Matters

17. The appellant states that this proposal would represent sustainable development, as set out in the National Planning Policy Framework. Evidence of the demand for such high standard accommodation in this area is presented in the form of a letter from a local estate agent. I am also aware that this proposal would re-use parts of this building which currently lie vacant. I do not disagree with these points. However they do not overcome the harm I have identified in relation to

the living conditions of current and future occupiers of the host dwelling, and others in the vicinity, in terms of both noise and disturbance and parking congestion.

Conclusion

18. As material considerations do not indicate that I should conclude other than in accordance with the development plan taken as whole, the appeal is dismissed.

AJ Mageean

INSPECTOR