
Appeal Decision

Site visit made on 23 May 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 19 June 2017

Appeal Ref: APP/U4230/W/17/3169930
28 Cavendish Road, Salford M7 4WW

- 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 Samuel Lock against the decision of Salford City Council.
 - The application Ref 16/68637/FUL, dated 4 August 2016, was refused by notice dated 15 December 2016.
 - The development proposed is Conversion of single dwelling house into five one bedroom apartments.
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Decision

1. The appeal is allowed and planning permission is granted for Conversion of single dwelling house into five one bedroom apartments at 28 Cavendish Road, Salford M7 4WW in accordance with the terms of the application, Ref 16/68637/FUL, dated 4 August 2016, subject to the conditions in annex 1.

Procedural Matters

2. At the time of my site visit, the works to convert the appeal building as set out in the application had been almost completed. This has not affected my consideration of the appeal which I have assessed on its planning merits.

Main Issues

3. The main issues are the effect that the proposed development would have on:
 - (a) the overall character of, and mix of dwelling types which is available within, the surrounding area; and
 - (b) the living conditions of occupiers of adjacent dwellings.

Reasons

Policy context

4. The development plan, with which my decision must accord unless material considerations indicate otherwise, constitutes the saved policies of the City of Salford Unitary Development Plan (CSUDP) 2006. The National Planning Policy Framework (the 'Framework') is an important material consideration.

Character and mix of dwelling types

5. The appeal property is located in an established residential area, in which many of the dwellings comprise substantial single family houses. The property itself
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- was, before the start of the conversion works subject to appeal, a large 6 bedroomed semi-detached house. The appeal proposal would, once completed, form 5 single bedroomed flats, with sufficient bed spaces for 2 persons in each.
6. Paragraph 50 of the Framework requires local planning authorities to create '*...sustainable, inclusive and mixed communities...*' and to plan for a '*...mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community...*'.
 7. Under the Council's 'Planning Guidance: Housing' 2015 (PGH) the large majority of new dwellings in new developments in Broughton Park, which contains the appeal site, should be in the form of houses rather than apartments, with a significant proportion of dwellings having five bedrooms or more. However, policies H1 and H5 of the CSUDP, which apply in Broughton Park as elsewhere, do not set an 'in-principle' objection to the sub-division of dwellings into smaller units of accommodation. In line with this approach, I have not interpreted the PGH, which does not form part of the adopted development plan, as providing such an 'in-principle' objection.
 8. The Council has claimed that in Kersal ward, in which the site is also located, there is a significant need for larger family dwellings, particularly associated with the orthodox Jewish community. However, this view is based on data in the 2011 Census, which is now somewhat dated. The fact that average household size in this area exceeded that in the city as a whole also does not mean that there was no need for small dwellings. The appeal proposal would also be of insufficient size to have any substantive impact on levels of overcrowding or the overall housing mix in the area.
 9. The density of the proposed development would significantly exceed the minimum of 30 dwellings per hectare identified in saved policy H1(2) of the CSUDP. However, neither policy H1 or the Framework set any maximum density. This matter in itself does not indicate that the proposal would be harmful.
 10. Taking account of these factors the proposal would not cause material harm in relation to the overall character of, or mix of dwelling types which is available within, the area. It would not conflict with the provisions of policy H1 or H5 of the CSUDP or the Framework relating to this matter.

Living conditions

11. The Council's case in relation to this issue focusses upon concerns about noise and disturbance and privacy.
12. The proposal would, by creating 5 flats, be likely to cause fairly frequent coming and going of residents and some scope for associated noise for example from the opening and closing of car doors. However, any resumption in the previous use of the building as a single family dwelling could also, particularly given its size (6 bedrooms), generate a substantial amount of such activity. Given the high level of accessibility of the property to services and public transport, a substantial proportion of the coming and going to and from it would be likely to be by foot. There is no reason for me to conclude that any associated noise would be sufficient to impact significantly on the living conditions of occupiers of neighbouring houses.

13. The proposal includes the creation of lounges and kitchen areas in rooms which would, in some cases, have previously been bedrooms and which are only separated from the dwelling at 26 Cavendish Road by the party wall between the 2 properties. Some of the adjacent rooms in number 26 are likely to be used as bedrooms. However, I note that the Council's Air and Noise consultant has raised no objections in relation to internal noise transmission and that any noise insulation requirements are adequately covered by the Building Regulations. There is no substantive evidence before me to justify coming to a different view on these points.
14. At first floor level in the rear elevation, the proposal includes the creation of 2 'juliette' style balcony openings, serving a living/kitchen area and bedroom, from which it would be possible to see into the rear gardens of neighbouring dwellings. However, these views would be angled away from the neighbouring dwellings themselves and be restricted to some extent by the existing flat roofed single storey rear outrigger below these openings. Whilst these views would be slightly deeper than would have existed from the previous rear facing first floor windows, they are not sufficient to cause an unacceptable loss of privacy within the neighbouring gardens. A condition can also be imposed to prevent access to the roof of the outrigger itself from these openings.
15. Whilst I note the concerns which have been expressed about bin storage, these can be addressed through a condition requiring provision of a suitably designed bin store.
16. I conclude that, taking account of all these factors, the proposal would not cause material harm to the living conditions of occupiers of adjacent dwellings. Its approval would not conflict with the provisions of policies H1 or H5 of the CSUDP or the Framework relating to this matter.

Other considerations

17. By splitting the previous dwelling into 5 apartments, the appeal proposal could lead to an increased need for car parking provision, particularly as the size and specification of the apartments could be attractive for occupation by professional people or other groups with fairly high car ownership levels. However, the proposal includes the provision of 5 off street car spaces, 2 of which would be at the front of the site and 3 located off an un-adopted access at the rear of the site.
18. Whilst I understand there may be question marks over the rights of access to the spaces at the rear, the Council officer report indicates that some on street car parking could also be accommodated in front of the property without there being harm to highway safety. There is no firm evidence before me to indicate that this is not the case. To my knowledge the proposal would not breach any adopted standards or development plan policies relating to car parking. Any increase in traffic generated by the proposal is likely to be very small compared to existing traffic levels.
19. Paragraph 32 of the Framework states that development should only be prevented or refused on transport grounds where its residual cumulative impacts are severe. Having regard to the points set out above, the proposal would not cause such severe impacts.

20. Whilst I understand that permission has been granted for development at 35 Cavendish Road, there is no substantive evidence before me to demonstrate that the appeal proposal would, in conjunction with this other development, cause unacceptable cumulative effects.
21. I note the fears which have been expressed that the proposal would set a precedent for similar proposals. However, I have considered the proposal as I must on its own merits having regard to the development plan and other material considerations. Whilst I have carefully considered all other points which have been raised in objection to the proposal both at application stage and in response to the appeal, none of these weigh heavily against allowing the appeal. The volume of objections also does not in itself indicate that the appeal proposal would cause material harm.

Conditions

22. The Council has submitted a list of conditions for me to consider imposing if the appeal is allowed. My list of conditions in annex 1 to this decision is based upon this list but with some revisions, mainly for greater clarity and to ensure that the conditions satisfy the tests in paragraph 206 of the Framework.
23. My condition 1 is a standard time limit condition. My condition 2, specifying the approved plans, is required in the interests of certainty. My condition 3, requiring the car parking facilities to be laid out and thereafter retained, is needed in the interests of highway safety. My condition 4, preventing the roof of the single storey outrigger at the rear of the property from being used as a balcony, roof terrace, porch or veranda, is needed to protect the privacy of occupiers of adjacent dwellings. My condition 5, requiring the provision of cycle storage facilities, is needed in the interests of sustainable transport provision. My condition 6, covering bin storage provision is needed to protect the appearance of the property.

Conclusion

24. I have found that the proposal would not cause material harm in relation to the overall character of, or mix of dwellings within, the area. It would also not cause material harm to the living conditions of occupiers of adjacent dwellings or give rise to material harm in relation to any other matter. It would accord with the development plan as a whole and constitute sustainable development in the terms of the Framework.
25. For the reasons given above I conclude that the appeal should be allowed.

Jonathan Clarke

INSPECTOR

ANNEX 1

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: 'proposed GA plans and elevations' drawing number DA16051.003.rev.3; and 'proposed parking' drawing number DA16051.016.
- 3) The vehicle parking arrangements shown on the approved plans to serve the development hereby permitted shall be laid out and made available for use before any of the proposed apartments are first occupied and shall be retained thereafter for this purpose.
- 4) The first floor apartment at the rear of the building shall not be occupied until its rear doors have been secured with balcony railings as shown on drawing number DA16051.003.rev.3. These or similar railings shall be retained at all times thereafter. There shall be no access to the surface of the flat roof of the rear extension, which shall not be used as a balcony, roof terrace, porch or veranda.
- 5) No part of the development hereby approved shall be occupied until a secure cycle store to accommodate 5 cycles has been provided and made available for use. The cycle store shall be retained at all times thereafter.
- 6) No part of the development hereby approved shall be occupied until a bin store has been provided in accordance with details which have been submitted to and approved in writing beforehand by the local planning authority. The bin store shall thereafter be retained at all times in accordance with the approved details.