
Appeal Decision

Site visit made on 22 August 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 11th September 2017

Appeal Ref: APP/B4215/W/17/3177590
793 Rochdale Road, Manchester M9 5XD

- 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 Peter Hargreaves against the decision of Manchester City Council.
 - The application Ref 115430/FO/2017, dated 23 February 2017, was refused by notice dated 19 May 2017.
 - The development proposed is the change of use of first and second floor from beauty salon (sui generis) to 3 x one-bedroom self-contained residential units (Use Class 3(a)), with access from the rear via an external staircase.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of first and second floor from beauty salon (sui generis) to 3 x one-bedroom self-contained residential units (Use Class 3(a)), with access from the rear via an external staircase at 793 Rochdale Road, Manchester M9 5XD in accordance with the terms of the application, Ref 115430/FO/2017, dated 23 February 2017, subject to the conditions set out in Annex A.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposal on the character of the area having particular regard to the supply and mix of housing;
 - Whether or not the proposal would be acceptable having regard to safety and security considerations;
 - Whether or not the proposal would provide adequate living conditions for future occupiers having particular regard to the provision of outdoor space; and
 - The effect of the proposal on the living conditions of nearby residents with particular regard to noise and disturbance.

Reasons

Character of the area

3. The appeal property is situated within a terrace of commercial properties many of which have residential uses on the upper floors. The ground floor and basement are currently used as a beauty salon, and it is proposed to convert

the upper floors to 3 residential units. The surrounding area contains a mix of both traditional and more modern terraced housing, as well as some apartments, and commercial uses along the main road. The traditional terraced housing at the rear of the site has been part of a physical improvement programme which has included boundary treatments and community planting.

4. Policy H3 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) indicates that within North Manchester priority will be given to family housing and other high value, high quality development. This aim is supported by the *North Manchester Strategic Regeneration Framework (October 2012)* (SRF) which seeks to ensure that new housing developments in the area help to diversify the mix of housing in the area, and in particular to provide more family orientated 3 and 4 bed homes. It also seeks to improve the quality of housing in the private rented sector.
5. However, I have not been provided with any specific evidence that shows that in the immediate area there is an oversupply of flats, and from my own observations the existing flats above the commercial properties along Rochdale Road, appeared to add to the mix of housing in the locality. Moreover, the appellant's evidence from a local lettings agency indicates that there is considerable demand in the area for such accommodation. Given this, I consider that the provision of a small number of flats would be unlikely to cause an oversupply that would be detrimental to the character of the immediate neighbourhood or the regeneration of the wider area.
6. Whilst the proposed flats would be relatively small in size, this does not necessarily mean that the accommodation provided would be low quality. I noticed that the accommodation provided for the beauty salon on the lower floors appeared to be of a good standard, and I see no reason why the proposed residential units would be any different.
7. In addition, there is no evidence that shows that the existing flats in the area, including those above the other commercial units, attract a transient population that is having an adverse impact on the character of the area, or the stability of the local community. I see no reason why the occupiers of the proposed units would be any different. Consequently, I cannot agree with the Council's conclusion that the proposal would provide low quality accommodation that would attract low-income transient occupiers contrary to the aims of creating stable communities and improving the perception of the area.
8. I accept that the proposal would not provide family housing which is the priority for the area, but Policy H3 does not prevent the provision of other forms of residential development in the area. Given this proposal is for the conversion of the upper floors of an existing building, it would not be possible to provide family type accommodation in this case. Further, given the limited scale of the proposal I am satisfied that it would not adversely impact the overall aim of increasing the amount of large family housing in the area.
9. As a result, I consider that the proposal would not have an unacceptable impact on the character of the area having particular regard to the supply and mix of housing. I therefore consider that it accords with Policies SP1 and H3 of the MCS which provide the key spatial principles for development in the city, and guidance on residential development in North Manchester respectively. I also consider it accords with the *National Planning Policy Framework* (the

Framework) which seeks to deliver a wide choice of high quality homes and encourages bringing empty commercial buildings back into residential use.

Safety and security

10. The proposed flats would be accessed from the rear of the property via an external staircase. A lockable gate would be provided to the rear yard in which the staircase would be situated. Access to the rear yard is from a relatively wide alleyway behind the terrace that has lockable gates to both Orchid Street and Ash Street. Whilst I note the comments from the Council about whether these gates are locked regularly, at the time of my visit, one of these gates was locked but the other, adjacent to a property where building work was taking place was open. Other similar gates in the area were also generally locked.
11. The position of habitable room windows on the flats in the terrace means there is limited natural surveillance of the alleyway, although the nearest house on Orchid Street does have some views along it, as well as views of the rear of the appeal property. I also observed that there were street lights at either end of the alleyway. The proposed staircase would also be overlooked by the main habitable room window in one of the first floor flats, as well as from a window in the existing flat in the adjacent property. In addition, the staircase would be immediately adjacent to the external staircase for this adjacent flat. Given this, I consider that the proposed access, and its immediate environment is not too isolated or private.
12. I have been provided with various differing crime figures for the area, and note the concerns of the Design for Security Officer regarding the scheme. However, although the flats above the properties at each end of the terrace are accessed from doors on the side elevations of these buildings, 3 existing flats above other mid terraced properties are accessed via external stairs at the rear of the buildings and the shared alleyway, and I am not aware that this has resulted in crime or security issues for these occupiers.
13. Moreover, the appellant has indicated a range of physical security measures that could be included as part of the proposal to help ensure a safe and secure environment for future occupiers. These measures could be secured by way of a condition.
14. On balance therefore, I consider that the proposal would be acceptable having regard to safety and security considerations. As such it would not be contrary to Policies DM1 and SP1 of the MCS which, amongst other things, require new developments to have regard to community safety and crime prevention, and make a positive contribution to the health, safety and wellbeing of residents.

Living Conditions – future occupiers

15. Policies both with the MCS and the *Unitary Development Plan for the City of Manchester (adopted July 1995)* (UDP) require that new developments should be provided with adequate private outdoor amenity space, although I have not been made aware of any specific guidance on the amount that should be provided.
16. In this case the small rear yard of the property would be shared between the commercial use on the lower floors of the building as well as the 3 proposed residential units. Once provision for bin storage is made, the outdoor space

would only provide sufficient space for cycle storage for the occupiers of the flats. Although the outdoor space would be limited, given the size of the flats, I consider that they would be likely to attract single people for whom the availability of private garden space is likely to be a lower priority than the good accessibility into Manchester City Centre that the scheme would provide. Furthermore I observed that the site was in close proximity to Queens Park which would enable occupiers of the flats to use its facilities on a daily basis if they so desired.

17. Overall, whilst I accept that it is desirable for new developments to provide high quality private external space for occupiers, I consider that in this case the provision of only a very small area of outdoor space would not result in unacceptable living conditions for future occupiers, and would not represent the overdevelopment of the site. As such, the proposal accords both with Policies SP1 and DM1 of the MCS, and with Policy DC5 of the UDP which, amongst other things, seek to ensure that adequate living conditions are provided for existing and new residents.

Living Conditions – nearby occupiers

18. The appeal property is located on a busy arterial road into, and out of, Manchester City Centre which carries large volume of traffic. The commercial units along Rochdale Road include a number of uses that open until late in the evening. As such background noise levels in the vicinity of the appeal site are relatively high, and are likely to remain so until late in the evening.
19. The creation of three flats on the upper floors of the property would create additional pedestrian and vehicular activity to the site. In particular it would result in an increased use in the rear alleyway. However, the alleyway already provides access to a number of other flats above the adjacent commercial uses, and there will also be comings and goings associated with the occupiers of the terraced housing on the surrounding streets. In the light of this I envisage any noise and disturbance resulting from the creation of 3 additional flats would be minimal in comparison with, and indistinguishable from, that associated with other residents, users of the nearby shops, and traffic using the main road. As such it would have a minimal impact on the occupiers of other properties.
20. Therefore, I consider that the proposal would be unlikely to cause unacceptable harm to the living conditions of nearby residents with particular regard to noise and disturbance. Thus there would be no conflict with Policies SP1 and DM1 of the MCS or with Policy DC5 of the UDP outlined above.

Conclusion

21. For the reasons set out above, I conclude the appeal should be allowed.
22. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord. In order to ensure adequate provision is made for cycle parking, and the storage of refuse, conditions are required to ensure the provision of adequate facilities before the flats are occupied. A condition to secure noise insulation for the flats is necessary to ensure satisfactory living conditions for the future occupiers.

23. Although not suggested by the Council, a condition to control the appearance of the external staircase is needed in the interests of the character and appearance of the area. In addition, to ensure the safety and security of future occupiers a condition is needed to secure the provision of adequate security measures within the development.
24. In the interests of conciseness and enforceability, the wording of some of the Council's suggested conditions has been amended.

Alison Partington

INSPECTOR

Annex A

Conditions

- 1) The development hereby permitted shall begin not later than three 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; Existing Elevations Drawing No P2E 150916; Proposed Elevations Drawing No P2E 150916; Existing Floor Plans Drawing No P2E 150916; Proposed Floor Plans Drawing No P2E 150916; Existing Site Layout Drawing No P2E 150916; and Proposed Site Layout Drawing No P2E 150916.
- 3) Notwithstanding the details submitted, the flats hereby approved shall not be occupied until space and facilities for bicycle parking have been provided in accordance with details previously submitted to, and approved in writing by, the local planning authority. The approved space and facilities shall thereafter be kept available for the parking of bicycles.
- 4) Notwithstanding the details submitted, the flats hereby approved shall not be occupied until space and facilities for the storage (including segregated waste recycling), and disposal, of refuse has been provided in accordance with a scheme that has been previously been submitted to, and approved in writing by, the local planning authority. The approved space and facilities shall thereafter be kept available for the storage and disposal of refuse whilst the use is in operation.
- 5) No development shall take place until a scheme for acoustically insulating the flats hereby approved against noise from Rochdale Road, and mechanical plant at the rear has been submitted to, and approved in writing by, the local planning authority. The approved noise insulation scheme shall be completed in accordance with the approved details before any of the dwelling units are occupied, and retained as such thereafter.
- 6) No development shall take place until details of the materials and colour of the external staircase in 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.
- 7) The flats hereby approved shall not be occupied until a scheme, prepared to 'Secured by Design' specifications, setting out security measures to be incorporated into the development has been submitted to, and approved in writing by, the local planning authority; all works forming part of the approved scheme shall be completed before any part of the residential accommodation is occupied, and retained as such thereafter.