



Appeal Decision

Site visit made on 13 August 2019

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2019

Appeal Ref: APP/B4215/W/19/3227354

2-4 Heddon Walk, Manchester M8 0RN

- 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 Ghulam Hussain Adeel (Al Sadiq Academy) against the decision of Manchester City Council.
 - The application Ref 121136/FU/2018, dated 31 July 2018, was refused by notice dated 4 December 2018.
 - The development proposed is change of use from two dwelling houses (C3a) to educational facility (Class D1).
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ghulam Hussain Adeel against Manchester City Council. This application is the subject of a separate Decision.

Procedural Matters

3. I have substituted the description of development given by the applicant for that used by the Council in the Decision Notice. This summarises the development more succinctly than the general background narrative presented in the application
4. Section 55 of the Town & Country Planning Act 1990 (as amended) defines "development" as including "the making of any material change in the use of any building or other land". I have not therefore used the term "retrospective" in the banner heading above as it is not an act of development

Main Issues

5. The main issues are: -
 - The supply of family sized accommodation
 - The effect of the development on the living conditions of local residents, with particular regard to the nature of the use and on-street parking.

Reasons

Family sized accommodation

6. The appeal site was a pair of semi-detached properties, that has been converted into an educational establishment. With the exception of some signage, the property appears to be unaltered externally. The locality is residential in nature.
7. Policy SP1 of Manchester's Local Development Framework Core Strategy (CS), adopted July 2012, emphasises the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs. In seeking to achieve this, Policy H3 of the CS requires that priority be given to family housing and other high value, high quality development where this can be sustained in North Manchester.
8. This is in order to encourage a mixed and diverse community by retaining and attracting economically active households. The conversion of the appeal properties to an educational establishment would result in the loss of family homes and this would reduce the availability and choice of housing in the area undermining the Council's strategic regeneration objective of providing a more sustainable neighbourhood.
9. Policy H3 of the CS does not specifically state that proposals which involve the loss of family housing in North Manchester will be refused. However, it is reasonable that the application of the policy, in seeking to prioritise family housing in this location, intends that the loss of such existing housing should generally be avoided.
10. I consider that the proposal would therefore conflict with Core Strategy Policies SP1, H3 and DM1 which amongst other things seek to retain and provide high quality family housing and ensure new developments complement the Council's broad regeneration priorities.

Living conditions

11. The appeal site is located within a residential area, rather than a commercial or district centre. An educational use such as this, in close proximity to residential dwellings will undoubtedly cause harm to the living conditions of local residents due to the nature of the use causing disturbance from users and visitors to the site. I am aware from the evidence provided that local residents appear to be experiencing problems from the existing use.
12. Educational establishments tend to have focal points in terms of the effect on residential amenities, namely the beginning and end of the school day, due to noise, disturbance and vehicular activity. The appeal site does not have on-site provision for vehicles, so therefore parking would generally be on the highway. From the evidence in front of me, it is apparent that the lack of parking for the site is causing a knock-on effect in terms of parking in the locality for residents. From my site visit, it was apparent that the highway layout could easily be affected in the locality at key times, to the detriment of the amenities of local residents, and the safe and efficient use of the highway for all users.
13. I find that the use would be over-intensive in this residential area in its current form. From the evidence, it appears that amenity space for users would be insufficient for the proposed number of users. This further increases the harm

to the living conditions of local residents that would be caused from noise and activity at break times during the day, as users spill out into the locality.

14. Therefore, the development is contrary to Policy DM26 of the Unitary Development Plan for the City of Manchester and policies SP1, DM1 and T2 of the CS, which collectively, amongst other matters, consider the impact of noise from development, expect development to make a positive contribution to neighbourhoods and have regard to the effect on amenity.

Other Matters

15. I have noted the comments of the appellant in relation to the reasons for refusal. I find that whilst the educational use is a positive benefit, the use of a former residential property located in a residential area, adjacent to existing residential dwellings would cause harm as demonstrated above. I have no information to suggest that other premises in more appropriate areas have been investigated and discounted, or why this particular location is necessary. This could have added weight to the arguments of the appellant.

Conclusion

16. Therefore, for the reasons above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR