



Appeal Decision

Site visit made on 7 October 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector, appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/B4215/W/19/3232913

8 Brunswick Road, Manchester M20 4GA

- 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 Keaveney against the decision of Manchester City Council.
 - The application Ref 122588/FO/2019, dated 3 February 2019, was refused by notice dated 31 May 2019.
 - The development proposed is single storey rear extension and dormer loft conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and dormer loft conversion at 8 Brunswick Road, Manchester, M20 4GA, in accordance with the terms of the application, Ref 122588/FO/2019, dated 3 February 2019, subject to the conditions below:
 - 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: 2019-RESI-140 A1r2 01 Proposed Plans, 2019-RESI-140 A1r2 02 Proposed Elevations.

Procedural Matters

2. I have amended the description of development so that it only includes those matters that would constitute development.
3. The appellant asserts that the appeal site has previously been converted into flats and, for at least the last 10 years. The Council has confirmed within its Statement of Case that the conversion appears to have taken place several years ago and would be immune from enforcement action. I have therefore dealt with the appeal on this basis.

Main Issues

4. The main issues are the effect of the appeal scheme on:
 - The character of the area; and
 - The living conditions of future occupants of the flats with respect to noise and disturbance, outdoor amenity space and waste generation; and
 - The living conditions of the occupants of neighbouring properties with respect to noise and disturbance; and
 - Highway safety.

Reasons

Character

5. The proposed dwelling is a substantial semi-detached property, located in a generally residential area. The appeal site comprises four self-contained flats which are set out over three floors. The basement is used as storage space for the flats. To the rear, the ground floor of the property is set well above the adjacent ground level, with steps leading from the back door to the garden below. The rear garden is bound by mature vegetation with no significant public views to or from the property.
6. The appeal scheme would comprise a single storey rear extension and a dormer loft extension. The appeal scheme would increase living accommodation on the ground floor and on the loft floor, however, the number of bedrooms available in each of the flats would not change. I am not aware that there is any restriction on occupancy of the flats and, as such, I consider it reasonable to assume that each flat could be occupied by up to two people. The front garden would remain as existing, with no alteration to boundary treatments proposed.
7. Saved Policy DC1.2 of the Unitary Development Plan for the City of Manchester (UDP)(1995) and Policy DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (CSDPD)(2012) both seek, in part, to, ensure that development has regard to the character of the surrounding area. Policy SP1 of the CSDPD seeks to ensure that development enhances or creates character, amongst other things. Policy H1 of the CSDPD seeks to ensure that the design and density of a scheme should contribute to the character of the local area, amongst other things.
8. Although the appeal scheme would increase the total floor area available to the ground floor flat and loft floor flat, the overall number of bedrooms would remain the same and the property would remain in residential use. Accordingly, there would be no increase in occupancy as a result of the appeal scheme and no change to the character of the area and no conflict with policies DM1, H1 or SP1 of the CSDPD or Policy DC1.2 of the UDP, the requirements of which are set out above. It would also accord with the National Planning Policy Framework (the 'Framework')(2019) which states that decisions should ensure that developments are sympathetic to local character, amongst other things.

Living conditions of future occupants

9. The appeal property has a front garden which is bound by a low-level brick wall and a generous rear garden which is mostly laid to lawn, bound by fencing and mature vegetation. From my inspection of the site, the gardens appeared to be communal outdoor amenity space as I saw no evidence that access is restricted to any of the flats. The kitchen window of the ground floor flat currently looks out over the rear garden, in an elevated position due to the difference in ground levels.
10. As set out above, the front garden would remain as existing. The proposed single storey extension would extend further towards the rear, utilising some of the garden space, though a substantial area would remain. The window of the dining room of the ground floor would look out over the rear garden. I have no

substantive evidence that access to the outdoor amenity space would change as a result of the appeal scheme.

11. Policy H1 of the CSDPD seeks to ensure that proposals make provision for amenity space, amongst other things. While there would be some loss of outdoor amenity space as a result of the appeal scheme, this would be limited, and a significant part of the rear garden would remain. Although the rear garden would be overlooked by the occupants of the ground floor, the garden is already overlooked by the ground floor flat. There would therefore be no increase in harm as a result of the appeal scheme, nor would there be any increase in noise and disturbance as a result of the shared use of the rear garden. Accordingly, there would be no conflict with Policy H1, the requirements of which are set out above.
12. Since the level of occupancy of the flats would not change, waste generation is unlikely to change as a result of the appeal scheme. Consequently, there would be no adverse effect on refuse provision within the site and no conflict with Policy DM1 of the CSDPD which requires development to have regard to refuse storage and collection.
13. Thus, for the reasons above, there would be no harm to the living conditions of future occupants of the flats and no conflict with Policies H1 and DM1 of the CSDPD.

Living conditions of neighbours

14. Policy DC1.1 of the UDP and DM1 of the CSDPD both seek to ensure that proposals have regards to the effect upon amenity, amongst other things. Although the appeal scheme would increase the internal space available to the occupants of the flats, I have no substantive evidence that the appeal scheme would change the number of flats, or the number of occupants of those flats. As such, there would be no change to the levels of activity within the property and no adverse effect on the living conditions of neighbouring residents.
15. Thus, there would be no harm to living conditions of neighbouring occupants and no conflict with policies DC1.1 and DM1, the requirements of which are set out above.

Highway safety

16. Policy DC1.1 of the UDP seeks to ensure that development has regard to off-street parking provision. No change to parking provision is proposed and, since there would be no increase in the number of flats or number of bedrooms as a result of the appeal scheme, I have no reason to believe that the appeal scheme would affect demand for on street parking. Consequently, there would be no harm to highway safety arising from the appeal scheme and no conflict with Policy DC1.1 of the UDP and no conflict with the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

17. The Council referenced Policies DC5 of the UDP and Policy H11 of the CSDPD in its reason for refusal. Policy DC5 of the UDP relates to the conversion of properties to flats and Policy H11 of the CSDPD relates to houses in multiple

occupation (HMO) and the conversion of flats. As confirmed by the Council, the property has previously been converted and as such, Policies DC5 and H11 are not directly relevant to the appeal scheme before me.

18. Concern has been raised by an interested party regarding the effect of the single storey extension on light in the adjacent dwelling. The Council confirms within its officer report that there are no concerns with the depth of the single storey extension as it would comply with Policy DC1.3 of the UDP. Following my inspection of the site, given the limited depth of the proposed extension, the use of a pitched roof and its limited height, I conclude that the appeal scheme would not significantly harm the living conditions of the occupants of the adjoining dwelling.
19. Concern has also been raised that the basement may be turned into a flat. However, I have considered the appeal scheme on the basis of the evidence before me, which would not include the conversion of the basement into a flat.

Conditions

20. I have considered the conditions put forward by the Council and other parties against the advice in the Framework and Planning Practice Guidance. As a result, I have amended some of them for consistency and clarity and omitted others. In the interests of certainty and proper planning I have included conditions relating to commencement and plans.
21. The Council has suggested the inclusion of a condition to secure a proprietary gas membrane. However, I am not persuaded such a condition is necessary in this instance as it would be addressed by other legislation. The Council has also requested conditions to secure schemes for the storage and disposal of refuse and construction designs for car parking. However, as there would be no change in occupancy as a result of the appeal scheme, no change to refuse provision and no change to car parking, I consider such conditions would not be reasonable in this instance.

Conclusion

22. For the reasons given above, and having regard to all matters raised, the appeal is allowed.

M Savage

INSPECTOR