
Appeal Decision

Site visit made on 8 October 2019

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/U4230/W/19/3233655
202 Liverpool Road, Irlam M44 6FE

- 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 Mrs B Marshall against the decision of Salford City Council.
 - The application Ref 19/73005/FUL, dated 31 January 2019, was refused by notice dated 3 July 2019.
 - The development proposed is conversion from shop (Class A1) to 2 no. flats (Class C3).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether sufficient evidence has been provided to justify the loss of retail use, and
 - whether the proposed development would provide acceptable living conditions for future occupants, with regards to outlook and light.

Reasons

Loss of retail use

3. Liverpool Road is a long, through road characterised by a mix of uses including residential, retail, commercial and community uses. The appeal premises (No 202) is the end property of a short row of retail and commercial uses, which include a card and gift shop, bakery, solicitors and an estate agency. According to the appellant, the shop at No 202 closed in October 2018 and prior to that the business had been in financial difficulties for a number of years.
4. Saved Policy S3 of the City of Salford Unitary Development Plan 2006 (UDP) says that planning permission for change of use of local shops from Class A1 retail will be allowed where the proposal is consistent with other policies and proposals in the plan, and it can be demonstrated either that there is no demand for the retail use of the property or that an alternative use would be more appropriate.
5. In this case, it seems clear that there have been problems with the viability of the last businesses to occupy No 202 in recent years. However, that does not necessarily mean that any other retail or class A2 (professional and financial

services) use would encounter the same problems, or that there is no demand for such uses. The appellant has stated that it would be necessary for any new tenant to spend a great deal of money to bring the premises to a satisfactory standard, but this is not backed up with any substantive evidence. No information has been provided about any measures which have taken place since the shop closed to find prospective tenants.

6. There clearly is competition in the area, with a variety of convenience and other shops along Liverpool Road. I acknowledge that there may well have been a reduction in footfall over the last few years as shopping patterns have changed. However, I did not notice many vacancies when I visited the area, and there were no obvious signs that the local shops were struggling.
7. The appellant has highlighted the case of 192 Liverpool Road, which was granted planning permission to convert a vacant first floor retail unit into a flat. In this case there was no loss of retail floorspace at street level. Furthermore, it would be reasonable to suppose that there would be limited demand for a retail unit on the first floor in this location. This case, which was a number of years ago, does not necessarily demonstrate a current lack of demand for a street level unit.
8. Overall, I do not have enough information before me to conclude that there is no demand for a retail use at this site. An alternative use is proposed but for the reasons set out below this would not be a more appropriate use. I conclude on this issue that sufficient evidence has not been provided to justify the loss of the retail use. As such, for these reasons the proposal is contrary to saved UDP Policy S3.

Living conditions of future occupiers

9. The proposed development would involve the creation of 2 new flats within the existing ground floor of the former shop. There is an existing flat at first floor level which is accessed by a metal staircase to the side of the property. This staircase would be repositioned to allow a new front door to be inserted to serve flat 1. An existing storage building at the rear of the property would be removed to enable the creation of flat 2. This would provide a modest area of amenity space in front of the proposed flat 2.
10. Both flats would be accessed from the side of the property, which shares a boundary with the side/rear of 204 Liverpool Road, a semi-detached house which is positioned at a higher level than No 202. No 204 fronts onto Chapel Road rather than Liverpool Road, and as a result is positioned at an angle to No 202. There is very little space at the side/rear of No 204, which has been further reduced by a rear conservatory. As a result, the house presents a dominant feature when viewed from No 202.
11. The kitchen and living room windows of flat 1 would look out onto the front parking area and Liverpool Road beyond. The side wall of No 202 is stepped and the new bedroom window to flat 1 would look out onto the side alley at its narrowest point, with an outlook of the high boundary fence and corner of the house at No 204. Given the close proximity of No 204 and its greater height relative to the appeal property, the effect would be overbearing and potentially oppressive.

12. The windows of flat 2 would be slightly further away from the boundary with No 204 and further from the bulk of the house. The fence has clearly been recently replaced and there is scope for landscaping in front of it to soften the impact. However, despite the additional separation and the space created by the demolition of the storage building, the outlook for flat 2 as a whole would be of the high boundary fence and the imposing rear elevation of No 204.
13. The front windows of flat 1 would have ample natural light as they would face onto Liverpool Road which is wide and open in this section. No 202 faces towards the south east and it was evident at my site visit that the side passage does get some sunshine, particularly the section closest to the road which again would benefit flat 1. However, the surrounding buildings and boundary treatments would mean that less natural light would reach the windows of flat 2, resulting in the rooms being dark and gloomy on non-sunny days. Together with the poor outlook previously described, this would result in unacceptable living conditions for the future occupants of flat 2.
14. The first-floor rear windows of No 204 would be close to the proposed flats, in particular flat 2. However, the rear conservatory and boundary fence would provide some screening, preventing undue overlooking. I note that flat 1 would have a very limited outside area but a larger area would be available for flat 2. However, this space would also suffer from an overbearing impact and poor outlook.
15. I acknowledge that the flats would provide an adequate amount of floorspace and would have space for car parking and storage for refuse and bicycles. The flats could contribute to local housing requirements and provide council tax receipts. However, these positive factors are not sufficient to overcome the harm identified.
16. The other examples of flats in the area which the appellant has directed me to are different from the proposed development. At 192 Liverpool Road, the flat is at first floor level and the side of the property is considerably further away from the adjacent house than the situation at the appeal property, so avoiding the problems of overbearing impact and loss of light.
17. In the case of the conversion of flats at 555 Liverpool Road, the procedure followed by the applicant meant that the planning officer was not able to take account of living conditions in granting consent. Applications for planning permission such as the current proposal must be considered on their own merits and the situation at 555 Liverpool Road does not set a precedent for development elsewhere which is considered to be unacceptable. The same applies to the flats at 572 – 576 Liverpool Road.
18. I conclude on this issue that adequate living conditions would not be provided for the future occupants of the flats, with regards to outlook and light. The proposed development would therefore be contrary to saved UDP Policy DES 7 which requires new development to provide potential users with a satisfactory level of amenity, and Paragraph 127 f) of the National Planning Policy Framework which has a similar objective.

Conclusion

19. For the reasons given above, I conclude that the appeal is dismissed.

R Morgan

INSPECTOR