
Appeal Decision

Site visit made on 10 December 2019

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

an Inspector appointed by the Secretary of State

Decision date: 21 January 2020

Appeal Ref: APP/U4230/C/19/3234108

The Land 69 Parrin Lane, Eccles, M30 8AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr David Hickey against an enforcement notice issued by Salford City Council.
 - The enforcement notice was issued on 1 July 2019.
 - The breach of planning control as alleged in the notice is without planning permission the material change of use of the land from use as a single dwelling to two self-contained flats.
 - The requirements of the notice are:
 - i) Cease the use as two flats;
 - ii) Restore the property to its former condition, configuration and use as a single dwelling.
 - The periods for compliance with the requirements are:
 - i) 7 days;
 - ii) 120 days.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the 1990 Act).
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act for the development already carried out, namely the use of the land at 69 Parrin Lane, Eccles M30 8AY, as shown on the plan attached to the notice, for two self-contained flats subject to the following condition: -
 - 1) Unless within 3 months of the date of this decision a scheme for the acoustic insulation to be applied to the first floor party wall between 69 and 67 Parrin Lane and to the party floor between the 2 self-contained flats, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of 69 Parrin Lane as 2 self-contained flats shall cease until such time as a scheme is approved and implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

The ground (a) appeal and deemed planning application

Main Issues

2. The main issues are:-

- The effect on the living conditions of existing and future occupiers of the development and occupiers of the nearby properties with regard to noise, disturbance and parking arrangements;
- The effect on highway safety with regard to parking provision.

Reasons

Living conditions

3. 69 Parrin Lane is a traditional, semi-detached dwelling in a street of similar properties. The majority of the traditional housing in the immediate vicinity of the site has little off-street parking provision. The property has been altered so that the ground floor constitutes one flat and the first floor a second flat. Policy H5 of the City of Salford Unitary Development Plan (UDP) states, amongst other things, that the sub-division of dwellings into smaller units of accommodation will only be permitted where the proposal would not have an unacceptable impact on the amenity of neighbouring properties by reason of noise and disturbance or parking arrangements. Saved UDP Policy H1 states that all new housing development will be required, amongst other things, to provide a high quality residential environment and adequate level of amenity.
4. I observed that due to the layout of the rooms it appears that the lounge of the first-floor flat is directly above the bedroom of the ground floor flat and the bedroom of the first-floor flat is directly above the lounge of the ground floor flat. Moreover, the lounge of the first-floor flat adjoins the party wall with the other half of the semi-detached dwelling. It is more than likely that the room on the other side of the party wall is used as a bedroom. In my experience, the noise generated by the movements in and the use of the lounge areas could result in noise and disturbance that potentially could result in adverse impacts on the living conditions of the existing and future occupiers of both flats and the adjoining dwelling.
5. Nevertheless, in my experience, a scheme of acoustic insulation that could be installed to the walls and floors affected would mitigate and minimise these potential adverse impacts. I have no evidence to indicate that such a scheme has been carried out as part of the development. However, I note that the Council has suggested that it would be possible to require, through the imposition of planning conditions, a scheme of acoustic insulation to be approved and implemented within a set time limit if I was minded to allow the appeal. I consider that this would ensure that there would be no adverse impact on the living conditions of the occupiers of the adjoining dwelling and the development.
6. No off-street parking is available to the occupiers of the development. At the time of my site visit (middle of the day) I also noted that there was a moderately high demand for on-street parking spaces in nearby streets, to the north of the site. I acknowledge that levels of parking in the evening when some residents return from work is likely to be higher. Any overspill parking

from the development could be competing for space with other on-street parking and could occur in front of another occupier's property.

7. I am mindful that it appears that the property could be used as a single-family home without the need for planning permission. This constitutes the fallback position and it is highly likely that the building would be used as a family home if this appeal is dismissed. Consequently, I give the fallback position significant weight.
8. There is a possibility that each separate occupier of the flats could each own a car. However, the flats, have one bedroom each and it is likely that the dwelling had 3 bedrooms before the development occurred. It would be reasonable to expect therefore that the building is/could be occupied by a similar number of occupants than when it was one house. Therefore, any additional overspill parking demand derived from the development is likely to be minimal. As a result, it is unlikely to give rise to resentment and frustration between established residents and the occupiers of the flats. In these circumstances I conclude that the development is unlikely to materially harm the living conditions of the nearby occupiers with regard to parking arrangements.
9. It follows that in these respects the development would comply/complies with saved UDP Policies H1 and H5. It would also comply/ complies with paragraph 127 of the National Planning Policy Framework which states, amongst other things that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Highway safety

10. Parrin Lane appears to be a relatively busy thoroughfare and I noted that parking on it is restricted through the use of double yellow lines. This ensures that there is sufficient space on this road for the efficient operation of traffic along it. There is a pedestrian crossing and its associated zig-zag road markings to the front of the appeal property. I have no evidence to indicate that these measures would not remain in place for the foreseeable future.
11. As stated above, there was a moderately high demand for on-street parking spaces in nearby streets. Nevertheless, I did not observe any evidence of unsafe parking or significant issues relating to the safe and efficient operation of the highway network.
12. In addition, there is no evidence before me that existing on-street parking is causing harm to highway safety. Furthermore, there is also little evidence provided by the Council as to how any overspill parking is having a harmful effect on highway safety. I also note that the Council states within its evidence that additional street parking and its attendant problems may be minimal in this case. I have also borne in mind the fallback position and that occupiers of the dwelling prior to its alteration to 2 flats would have generated a demand for parking which would have had to be accommodated within the surrounding area due to the lack of on-site parking.
13. Taking into account all of the above, I consider that any overspill parking from the development is minimal and that it is highly unlikely that it would result in an unacceptable impact on highway safety. It follows that the development complies with saved UDP Policy H5 which amongst other things, states that the

sub-division of dwellings into smaller units of accommodation will only be permitted where the development would not have an unacceptable impact on highway safety as a result of parking.

Other matters

14. The Council have referred to securing a mix of dwellings and the form of the accommodation within its statement of case even though they were not included within the reasons for issuing the enforcement notice. I acknowledge that the Council's 'Planning Guidance: Housing' 2015 (PGH) states that within West Salford, Broughton Park, Claremont, and the northern part of Weaste and Seedley, the large majority of dwellings within new developments should be in the form of houses rather than apartments, in order to protect the existing character of the areas and reflect the generally lower levels of accessibility compared to other parts of the city.
15. The appeal site is within that area cited above. However, saved UDP Policies H1 and H5 do not contain an 'in-principle' objection to the sub-division of dwellings into smaller units of accommodation. I appreciate that if permitted, cumulatively, a significant number of conversions could potentially change the character of this part of Salford. It would appear from the evidence before me that any external alteration to the building to facilitate the change of use to 2 flats has been negligible. In addition, the development is of insufficient size to have any substantive impact on levels of overcrowding or the overall housing mix in the area. Taking account of these factors, the development is highly unlikely to cause material harm in relation to the overall character of, or mix of dwelling types which is available within, the area. As such, it does not conflict with the provisions of saved UDP Policies H1 or H5 relating to this matter.
16. The references to other development plan policies have been noted. However, the development plan policies to which I have referred are considered the most relevant to this appeal.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. In the interests of conciseness and enforceability the wording of some of the suggested conditions has been amended.
18. The Council's suggested condition 1 relates to a cycle storage area. Whilst I have been provided with a copy of the Council's cycle parking standard the Council have provided little specific evidence as to why it is necessary that a cycle storage area is required in this case. Consequently, there is insufficient evidence before me to indicate that the suggested condition is necessary to make the development acceptable. It follows that I will not impose this condition.
19. The Council's suggested conditions 2 to 5 all relate to acoustic insulation and I have amalgamated them into one condition to avoid duplication. I have deleted the references to specific sound insulation values as they are unnecessary as the Council would have control over whether the scheme it approves meets its minimum requirements. The purpose of this condition is to require the appellant to comply with a strict timetable for dealing with acoustic insulation which needs to be addressed in order to make the development

acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the outstanding detailed matter because the development has already taken place. The purpose and effect of the condition is therefore to ensure that the use permitted by the grant of planning permission may only remain if the appellant complies with each one of a series of requirements.

Conclusion

20. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted.

D. Boffin

INSPECTOR