



Appeal Decision

Site visit made on 2 December 2019 by Hannah Ellison BSc (Hons) MSc

Decision by V Lucas LLB (Hons) MCD MRTPI

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

Decision date: 27 January 2020

Appeal Ref: APP/B4215/W/19/3237853

31 Albert Road, Manchester, M19 2EQ

- 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 A Harbott against the decision of Manchester City Council.
 - The application Ref 124130/FO/2019, dated 5 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is the change of use of a dwelling into 2 no self-contained apartments.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. An amended plan was submitted in the appellant's final comments that indicates access to the rear yard could be achieved. However, the 'Procedural Guide – Planning Appeals – England' advises the appeal process should not be used to evolve a scheme. It is important that I consider the scheme on the basis of what was before the Council when they made their decision. Amended plans that seek to overcome a Council's reasons for refusal should normally be submitted to the Council by way of a fresh application (Annexe M.1.1 and M.2.1). On that basis, and in the interests of procedural fairness, I have dealt with this proposal on the basis of the plans that were submitted with the original application.

Main Issues

4. The main issues are the effect of the proposed development on
 - (i) Whether the proposal would provide acceptable living conditions for future occupiers with particular regard to internal and external space;
 - (ii) The living conditions of nearby residents with particular regard to noise and disturbance; and,
 - (iii) Local housing provision with particular regard to family housing.

Reasons

5. The appeal property is a two-storey, end of terrace dwelling. There is a small garden to the front and a yard to the rear. Permission is sought for the conversion of the property into two self-contained apartments.

Living Conditions of Future Occupiers

6. The proposed development would result in a one-bedroom unit on the ground floor and a two-bedroom unit on the upper two floors. The main parties acknowledge that both units would meet the minimum gross internal floor area standards, including sufficient space for built-in storage.
7. Notwithstanding compliance with adopted space standards, policy DM1 of the Manchester City Council Core Strategy 2012 (the 'CS') states that developments should have regard to, amongst other things, the effect on amenity, the adequacy of internal accommodation and external amenity space and refuse storage and collection.
8. The submitted plans indicate that occupiers of both the proposed apartments would not have direct access to the rear yard. They would have to exit the property to the front and travel around the far end of the terrace and along the rear alleyway. Given the distance, this would not be an appropriate arrangement for accessing areas for private external space and the storage of waste.
9. The appellant has referred to the plans submitted with the application and notes an oversight whereby the ground floor apartment would not have direct access to the rear yard. For the reasons set out in the procedural matter above, I am required to consider the appeal on the basis of the plans that were before the Council when they made their decision.
10. Nevertheless, even if access to the yard could be achieved for the occupiers of the ground floor apartment as shown within the appellant's final comments, there is nothing before me to suggest this could also be achieved for the first-floor apartment. As such, this does not address the concerns identified above.
11. Notwithstanding the unsuitable access arrangement, it is noted that occupiers of both the apartments could share the use of the rear yard. There is a window serving the bedroom of the ground floor apartment which looks out directly into the yard. Therefore, future occupants of the upper floor apartment would be able to look directly into the ground floor apartment when using the yard. This would not provide an acceptable level of privacy for future occupants of the ground floor apartment as they would be capable of being observed at close quarters whilst undertaking their day to day activities.
12. The appellant has suggested that the use of the rear yard could be restricted solely to the occupiers of the ground floor apartment and occupiers of the first-floor apartment could use the area to the front of the property. However, even if this area could provide room for bin storage, at the time of my site visit I observed that Albert Road was a busy highway with both vehicles and pedestrians frequently passing the appeal site. Whilst this is just a snap shot in time, given its location close to a busy high street, there is nothing to suggest my observations were unusual. As such, the front garden would not provide residents with peaceful or private external space which they could enjoy in the

evenings or weekends, and this does not therefore outweigh the concerns I have found with the shared use of the rear yard.

13. Whilst it is acknowledged that the layout of the ground floor apartment would result in a single bathroom, accessed through the bedroom. Given that this unit would be occupied by a single person or a couple, this layout would provide acceptable living conditions for future occupiers in terms of the amount of internal space to be provided. However, this does not outweigh my finding that the proposal would not provide an acceptable living conditions for future occupiers, with regard external space.
14. As such, I conclude that this proposal would not provide acceptable living conditions for future occupiers, with regard to external space. It would therefore fail to comply with policies SP1, H1 and DM1 of the CS which collectively seek to ensure that developments are of a high quality and serve the needs of intended occupants, amongst other considerations.

Living Conditions of Nearby Residents

15. The Council are concerned that the proposal would result in increased levels of activity due to an intensification of the property. The current property is laid out as a four-bedroom dwelling. As such, it could reasonably be occupied by a single family of 5 or 6 people. This proposal would result in three bedrooms, with an occupancy of up to 5 people across two households. As such, this proposal would not result in a significant intensification in occupancy above that which could currently occur.
16. Nevertheless, it is appreciated that the comings and goings associated with a single family could often be shared whereas that of two individual householders would differ. However, taking into consideration the proposed occupancy, any increase to comings and goings and general activity would be on a limited scale.
17. Consequently, this proposal would not harm the living conditions of nearby residents, with particular regard to noise and disturbance. It would therefore not conflict with policies SP1, DM1 and H1 of the CS which, amongst other things, collectively seek to ensure developments have regard to the amenity, health and well-being of neighbouring occupiers.

Housing Provision

18. There are examples of new-build apartments, flat conversions and residential units above commercial uses within close proximity to the appeal site. The roads to the rear of the site appear to predominantly comprise of family sized dwellings.
19. Policy H6 of the CS, which is specific to the South Manchester area in which the appeal site is located, notes that outside the district centres priorities will be for housing which meets identified shortfalls, including family housing. I have not been provided with any evidence which indicates there is a lack of family housing supply in this area. The Council have drawn my attention to figures in the 'Manchester City Council 2016 Mid-Year Estimate Revised' document, which indicates an increase in population in Manchester. However, it is unclear how this relates directly to the need to maintain or increase the supply of family housing. Further, considering many dwellings within close proximity of the

appeal site appear to be used as family housing, it is not considered that this proposal would undermine this provision.

20. The Council notes that the appellant has not submitted evidence which indicates why the appeal property is no longer viable as a family dwelling. My attention has not been drawn to any policy requirement to submit this detail. Nevertheless, at the time of my site visit I observed that the property was vacant and in a poor state of disrepair. Whilst I do not have the full details of how long it has lay vacant, the overgrown garden and boarded up windows to the rear suggests it has not been used as a dwelling for some time. This proposal would bring it back into use and, whilst it would no longer offer a modest sized family dwelling, it would provide two housing units which would assist in creating mixed communities by providing house types to meet the needs of a diverse and growing population.
21. My attention has been drawn to recent appeal decisions within the area, in which it was determined that the conversion of family dwellings would have a harmful effect on housing mix and provision. I do not have the full details before me, however it appears that one decision related to a proposal for a house in multiple occupation and is not therefore directly comparable. The context of the second decision differs from the proposal before me as it was found in that case that the proposed conversion to flats would be within a street where flat conversions are not a predominant or established feature. As noted, this appeal site is surrounded by various housing types, which therefore makes a positive contribution to the supply of housing in the neighbourhood. This proposal seeks to replicate this. Whilst I have taken these decisions into account, I have dealt with the proposal on the basis of the circumstances of this particular site.
22. For these reasons, the proposal would not have adverse implications for local housing provision, with particular regard to the supply of family dwellings. As such it would not conflict with policies SP1, H1, H6 and DM1 of the CS which, amongst other matters, together seek to meet the needs of all members of the community and create mixed communities through a range of housing provision.

Conclusion and Recommendation

23. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

V Lucas

INSPECTOR