



Appeal Decision

Site visit made on 14 June 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/B4215/W/21/3283642

64 Broom Lane, Manchester, M19 2TG

- 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 Mohammad Abdu-Rahman against the decision of Manchester City Council.
 - The application Ref 130140/FH/2021, dated 10 May 2021, was refused by notice dated 21 July 2021.
 - The development proposed is conversion of dwellinghouse into 2 self contained flats (Class C3) with associated rear roof dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form indicates that the works to construct the dormer and convert the property commenced in June 2020 but they were not complete when the planning application was made or when it was determined. However, the evidence with the appeal states that the proposal is retrospective. Therefore, I have determined the appeal on the basis that permission is sought for the retention of the development that has been carried out.

Main Issues

3. The main issues are:
 - i) The effect of the change of use on the supply of family housing;
 - ii) Whether the proposal provides an adequate standard of living conditions for future occupiers, with particular regard to private outdoor space; and
 - iii) The effect of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to noise and disturbance.

Reasons

The supply of housing

4. No 64 is a 2 storey end of terrace property on the corner of Broom Lane and Bowler Street. It has a 2 storey rear outrigger with a single storey extension beyond. A partially hard-surfaced frontage provides access to an attached side garage and there is a small rear yard area enclosed by a low wall. It is in a predominantly residential area characterised by family dwellinghouses.

5. The property has been converted from a 3 bed dwellinghouse into 2 separate flats. The ground floor unit, which is accessed via the rear yard, extends to approximately 62sqm gross floor space and it comprises 2 bedrooms, a kitchen, dining room and small bathroom. The upper flat is roughly 81sqm over 2 floors with 3 bedrooms, kitchen, living room and 2 bathrooms.
6. Notwithstanding the absence of a living room, such as might be expected in a dwelling, the ground floor 2 bed flat meets the Technical Housing Standards – nationally described space standard. However, and although the Council does not raise it as an issue, the appellant states that the 3 bed flat falls short of the required internal floor space for a 3 bed 4 person dwelling over 2 storeys. On this basis, irrespective of the extent of the shortfall, the development does not meet the national minimum internal living space standards for new dwellings.
7. I accept that the property may have been refurbished and that there has been no net reduction in the number of 3 bed units. However, taking into account the constraints of the internal living space and the inadequate outdoor space, discussed in detail below, the development fails to provide high quality housing suitable for family occupation. There is little evidence that it is flexible or adaptable to meet changing family needs over time. Consequently, while it will be suitable for individuals, adults and transient occupation, it does not contribute to the creation of high quality places where families would be likely to settle or to sustainable cohesive communities. It has not been demonstrated that the conversion of the family dwellinghouse into 2 smaller units is beneficial to the balance of housing stock. It does not contribute to the creation of better places in which to live and work nor will it function well and add to the overall quality of the area.
8. There are flatted developments along Broom Lane, including on the opposite side of the road, following conversion of ground floor commercial premises. However, the redevelopment of former retail and commercial units for housing does not provide a justification for the conversion of dwellinghouses. Moreover, Bowler Street is in any case not a main road and it comprises single family dwellinghouses. The development is out of keeping and it diminishes the established residential character of this area. There is little compelling justification for the development in relation to the diversification of the type and tenure of the local housing stock, housing need or economic viability.
9. Therefore, I conclude that the proposal results in the loss of a family dwellinghouse to the detriment of the supply of family housing. The creation of 2 flats, neither of which provide high quality family accommodation, does not contribute positively to the creation of sustainable communities. The proposal conflicts with Policies H1, H5, H11, SP1 and DM1 of the Manchester City Council Core Strategy Development Plan Document Adopted July 2012 (the CS). These require, among other things, that development avoids the loss of family dwellinghouses, prioritises family housing, creates high quality housing that has regard to the character of the area and that it preserves and improves the housing stock.
10. My attention has been drawn to saved policy DC5 of the Unitary Development Plan for the City of Manchester Adopted July 1995 (the UDP) and particularly its support for flat conversions in residential areas and in properties on main road frontages subject to other relevant policies in the plan. However, it does

not support sub-standard accommodation or flat conversions that would be detrimental to the established residential character of the street.

Living conditions of future occupiers

11. The 2 bed ground floor flat is accessed from Bowler Street via the small rear yard area immediately adjacent to the footway. The plans illustrate that it has an open plan kitchen and dining area but no living space. The internal arrangement does not appear to provide high quality family accommodation. Moreover, while I note the suggestion that the external yard is large enough for the occupiers, there is little evidence that it would meet their basic needs including in terms of sitting out, children's play, the drying of laundry, outdoor storage or planting areas. The additional use of the yard for the storage of waste and recycling bins reduces the functionally available area for recreation. The low boundary wall does not screen the outdoor space for privacy or provide a secure space for children's play.
12. Access to the 3 bed flat is via the open frontage which also provides garage access, offstreet parking, bin storage and outdoor amenity space. The outdoor area for the 3 bed flat is roughly twice the size of the yard for the 2 bed flat. However, the functional useable outdoor area is significantly constrained by its multi-functional use, the partial low walls and the significant length of unenclosed boundary. It is not private, being overlooked from the footway and from the ground floor flat bedroom window. It is not immediately accessible from the internal living space, such that it is not conveniently located for family use and it does not provide a secure enclosed area for children.
13. There has been no reduction in the overall outdoor space associated with the property. However, it has been divided to separately serve 2 residential units with an overall greater number of occupiers. Consequently, each flat has access to a smaller area, with less flexibility and functionality of use, than was available to the former single dwellinghouse. There are public open spaces including informal and formal green spaces and sporting facilities in the wider area. However, while these offer opportunities for recreation, they do not fulfil the same function as, and they do not compensate for the shortfall in, immediately accessible private outdoor space.
14. Therefore, I conclude that the development fails to provide an adequate standard of living conditions for the occupiers, with particular regard to private outdoor space. It conflicts with the aims of saved UDP Policy DC5 including in relation to maintaining the established residential character of the street and the provision of adequate private external amenity space. It conflicts with CS Policies SP1, H1, H5, H11 and DM1. These require, among other things, that development provides high quality housing and it makes a positive contribution to health and wellbeing, including through provision of appropriate usable amenity space. It would also conflict with the residential amenity aims of the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance. However, as CS Policy T2 relates to accessibility and parking rather than to amenity space, I have not found conflict with this policy.

Living conditions of neighbouring residential occupiers

15. Broom Lane is a reasonably main road with a small number of ground floor commercial premises with residential uses above. There is also a nearby primary school and Bowler Street provides pedestrian access to the country

- park. However, the prevailing character of the area, particularly along Bowler Street, appears to be relatively low key residential rather than a vibrant mixed use area.
16. There is evidence, in the form of a neighbour representation, that the occupation of the 2 flats has resulted in an increase in activity, noise and disturbance, problems with waste storage, and an increased demand for on street parking.
 17. The development provides 2 separate units with a total of 5 bedrooms. In contrast with the former 3 bed single dwellinghouse, there will be an increase in the number of residents including adults. There will also be an increase in the number of commercial and private visitors to the 2 flats. Occupied to full capacity, the development will result in more intensive activity in and around the property including in terms of noise and disturbance from the increased comings and goings of people and vehicles.
 18. There will be an associated greater demand for on street parking by occupiers and visitors to the 2 flats. I accept there is unrestricted road parking in the area, although available capacity has not been established. Moreover, the additional vehicle movements would not be detrimental to the safe operation of the highway. However, as a result of the parking restrictions on Broom Lane, the intensification of vehicular activity, with associated comings and goings to the property, is likely to be concentrated on Bowler Street close to the appeal property. The increased activity will therefore disproportionately affect the nearby residents of the Bowler Street terraced properties, as occupiers and visitors to the appeal property will seek to park as close to it as possible.
 19. Therefore, I conclude that the development is detrimental to the residential amenity of nearby occupiers and the area. It conflicts with saved UDP Policies DC5 and DC26 of the UDP and CS Policies SP1, H1, T2 and DM1. These require, among other things, that development contributes to well designed places that enhance the character of the area, that it contributes positively to health and wellbeing and it avoids effects on residential amenity including noise, litter and parking pressure.

Other Matters

20. The appeal property is in an accessible location in an existing residential area. However, new residential development is expected to be located with reasonable access to services and facilities and sustainable transport modes. The creation of 1 additional unit of residential accommodation makes a negligible contribution to the supply of housing or to the local economy or community. These matters carry little weight in favour of the scheme.
21. External alterations to facilitate the conversion include a rear dormer extension, the removal of an external door, the re-positioning of windows and a new rooflight. The Council considers that, in the context of a dwellinghouse, the rear dormer would be permitted development and it has no significant concerns in relation to the visual impact of the external alterations. The acceptability of the appearance of the development does not weigh in its favour.
22. In its decision notice, the Council refers to the East Manchester Strategic Regeneration Framework. However, as the appeal site is apparently not within that particular strategic regeneration area, I have not found conflict with it.

Conclusion

23. For the reasons set out above, the proposal would be detrimental to the supply of family housing. It would not provide an adequate standard of living conditions for future occupiers. These matters weigh moderately against the scheme. The adverse impacts on residential amenity weigh against the scheme to a modest degree. Consequently, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.

24. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR