



Appeal Decision

Site visit made on 7 February 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 March 2023

Appeal Ref: APP/B4215/W/22/3306938

9 Brook Road, Manchester M14 6UE

- 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 Akhtar against the decision of Manchester City Council.
 - The application Ref 133436/FO/2022, dated 4 April 2022, was refused by notice dated 17 June 2022.
 - The development proposed is a basement conversion to two residential apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - Whether the development would provide adequate living conditions for future occupiers, with particular regard to the provision of internal space, private outdoor amenity space and noise and disturbance; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance and the demand for car parking.

Reasons

3. The appeal site relates to a detached two-storey villa situated on Brook Road in the Fallowfield area of Manchester. The property has been converted to provide 5 residential flats.
4. The area is predominantly residential, is noted as being popular with students, and as having a high proportion of flats and HMOs within the immediate area.
5. The proposed development comprises the conversion of the basement to provide 2 additional self-contained apartments with associated external alterations to the property. The proposal would increase the overall number of residential units to 7 flats.

Living Conditions - Future Occupiers

6. The proposed plans indicate that Flat 1 would provide accommodation totalling 32m² comprising a bedroom, bathroom and open plan living, kitchen and dining area. Flat 2 would provide accommodation totalling 27m² comprising a

- bathroom and open plan living, kitchen and dining. This flat would not provide a separate bedroom.
7. The proposed accommodation, by virtue of being located in the basement, would be provided with limited access to light and ventilation, with Flat 2 only having a single window to the front elevation, located partially below ground level. This coupled with the low ceiling height and cramped feeling within the basement, would result in the provision of inadequate living conditions for future occupiers.
 8. The existing property benefits from a small area of amenity space to the rear of the property, which is shared by the occupants of the 5no. existing flats. This space is overlooked by the occupants of the existing flats within the building and the adjacent block of flats, Brook Court. Additionally, the proposed bedroom window of Flat 1 would directly overlook this amenity space. As such, this space would not be private.
 9. The general relationship of the windows to the proposed flats, by virtue of their proximity to the shared spaces to the front and rear of the property, would give rise to some noise and disturbance to future occupiers.
 10. With regard to the external space to the rear, some evidence has been provided to indicate there is a potential risk of unacceptable levels of noise and disturbance to occur, sufficient for me to conclude that this would cause harm and would fail to achieve adequate living conditions for the future occupiers of the flats, particularly to the future occupier of Flat 1.
 11. The internal accommodation is shown on the submitted plans to be capable of providing all facilities necessary for residential occupation. However, minimum sizes for residential accommodation are suggested within the Manchester Residential Quality Guidance (2016) (MRQG) that reflects Nationally Described Space Standards (NDSS). It indicates the minimum floorspace for a 1 bedroom, 1 person accommodation with a shower room should be 37m². Neither flat would comply with that guidance. This supports my other conclusions on this matter.
 12. My attention has been drawn to the floor space of the existing flats within the building and that these flats are currently occupied. However, I am required to consider whether or not adequate internal living accommodation would be provided for the future occupants of the proposed flats. It is not for me to comment or assess the adequacy of any existing accommodation.
 13. Consequently, I conclude that the development would not provide adequate living conditions for future occupiers, with particular regard to the provision of internal space, private outdoor amenity space and noise and disturbance. This would be in conflict with Policy SP1 and DM1 of the CS, saved Policy DC5 of the UDP, and the National Planning Policy Framework (the Framework) which together, which requires high-quality housing, provides adequate internal accommodation and private outdoor amenity space.

Living Conditions – Existing Occupiers

14. The proposal would result in intensification of the residential use. The Council have confirmed they consider the intensification in use would harm the living conditions of neighbouring occupiers.

15. The noise and disturbance arising from two small flats and its associated likely activity, including traffic movements, would be modest, such that it would not cause harm to the living conditions of occupants of the neighbouring dwellings. Whilst it is acknowledged that there are existing concerns about noise and disturbance within the street, I do not consider that the addition of 2 small flats would have a material effect on noise and disturbance experienced within the area.
16. The appeal site is located in close proximity to shops, service and public transport. The site would be accessible via a variety of modes of transport. On this basis, there would be limited demand for parking arising from the two small flats.
17. I observed whilst visiting the site, albeit during the daytime when demand may be less than at evenings or weekends, the availability of on-street parking within the street. I have not been provided with any substantive evidence that would lead me to conclude that the existing car parking situation is severe.
18. Therefore, I am satisfied that the parking requirements generated by this development would not materially add to localised parking stress. As such, I do not consider there would be adverse harm caused to existing occupiers by virtue of an increased demand for car parking.
19. For the above reasons, I am not persuaded that the overall intensity of activity would be so great as to adversely impact the living conditions of nearby residents in regard to noise and disturbance and the demand for car parking. I therefore conclude that the proposed development would be consistent with the aims of Policy DM1 of the CS and saved Policy DC5 of the UDP as they seek to protect the living conditions of residents of surrounding dwellings in relation to matters of noise, disturbance and parking.

Other Matters

20. Whilst it is acknowledged that national and local policies seek to significantly boost the supply of housing and the National Planning Policy Framework (the Framework) requires that housing applications be considered in the context of the presumption in favour of sustainable development. That means approving development proposals that accord with the development plan without delay. Nevertheless, the proposal would make a modest contribution to housing supply.
21. The proposal involves some external alterations to the building to facilitate the conversion of the basement. These alterations are considered acceptable to the Council, and I find no reason to disagree with this assessment.

Conclusion

22. I have concluded that the proposal would not result in adverse harm to the living conditions of neighbouring occupiers, with particular regard to noise and disturbance and the demand for car parking. That, and the lack of effect on character and appearance of the area, are neutral factors in my considerations. The development would contribute 2 dwellings to housing supply that would carry limited weight in favour of the proposals. However, the proposal would fail to provide adequate living conditions for future occupiers with particular regard to the provision of internal space, private outdoor amenity space and

noise and disturbance and this conflicts with Policies SP1 and DM1 of the CS, saved Policy DC5 of the UDP and the MRQG.

23. Taking all the above into account, on balance, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR