



Appeal Decision

Site visit made on 25 April 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2023

Appeal Ref: APP/Q4245/W/22/3310868

24 Bollin Drive, Timperley, Trafford WA14 5QS

- 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 Jones against the decision of Trafford Council.
 - The application Ref 108753/FUL/22, dated 25 July 2022, was refused by notice dated 1 November 2022.
 - The development proposed is described as 'the applicant would like to convert their single dwelling into two flats. The proposal will also include a single storey rear extension with two skylights on its roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has referred to an emerging strategic plan, Places for Everyone (PfE), being prepared by the Greater Manchester Combined Authority. The Council have advised that the examination in public of the submission plan was due to commence in November 2022. However, I have not been provided with any further information confirming that the examination has concluded. Therefore, the policies of the emerging PfE carry limited weight in this decision.
3. The appellant has also referred to Manchester Residential Quality Guidance. However, there is no indication that Trafford Council has adopted, or intends to adopt, such guidance. Accordingly, I have not had regard to this guidance in reaching my decision.

Main Issue

4. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to internal space, bin storage, and car and cycle parking.

Reasons

5. The Council has referred to the Nationally Described Space Standards¹ (NDSS) in the reason for refusal and the Delegated Report. The Planning Practice Guidance² (PPG) states that where a local planning authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the NDSS. As the Council has not yet

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

² PPG paragraph: 018 Reference ID:56-018-20150327

incorporated the NDSS into a Local Plan, or other policy, they can only be considered as guidance and any conflict cannot attract significant weight. Nevertheless, the National Planning Policy Framework (the Framework) advises that planning decisions should create places with a high standard of amenity for existing and future users. The internal space provided by the proposal is an important factor in whether it would achieve this.

6. The Council highlight that both proposed two-bedroom flats, and in particular the first floor flat, are below the NDSS floorspace standards. The plans show adequate accommodation provided on the ground floor. In addition, the second bedroom of the first floor flat could accommodate a single bed and storage space and would have an acceptable level of daylight and a reasonable outlook.
7. However, the lounge/kitchen of the first floor flat would lack sufficient space for circulation, ordinary everyday use, and socialising. It would be a cramped space that would be too small to accommodate the intended functions. As such, I consider that the proposed first floor flat overall, would provide an unsatisfactory standard of living space for its intended occupiers.
8. Policy L4 of the Trafford Local Plan: Core Strategy Development Plan Document (2012) (CS) sets out maximum parking standards for new development. The car parking standards are specified in Appendix 3 to the CS which indicates that the maximum number of spaces required for the proposal would be 2 for each flat.
9. The site is in an accessible location close to services and amenities, and a tram stop and bus routes. This suggests that the occupants of the proposed flats would not necessarily be fully reliant upon the private car, having access to alternative modes of transport. On this basis, I agree with the Council that in this case one parking space for each flat would be adequate.
10. Only one parking space is proposed which the appellant indicates would serve the occupants of the ground floor flat with cycle storage provided for the occupants of the first floor flat instead of a parking space. However, due to the limited width at the side of the property there would be inadequate room to get from the front door, the only entrance to the upper floor flat, to the cycle storage areas when a car is parked within the drive. The occupants of the upper floor flat would therefore be dependent upon the willingness of the occupants of the ground floor flat to move the car or park on the street to enable access to the cycle storage area. This would be inconvenient and impractical.
11. As the proposed bin storage area is also located to the rear of the parking space, access to it would be inconvenient and impractical for the same reasons. Such problems would also arise if the storage facilities were to be provided at the front of the property. Accordingly, if adequate provision of bin and cycle storage facilities were to be secured it would be at the expense of the provision of on-site parking. This would be to the detriment of the living conditions of the future occupants of the ground floor flat.
12. Given the above I conclude that the development fails to provide satisfactory living conditions for future occupiers with particular regard to internal space, bin storage, and car and cycle parking. As such it conflicts with CS Policies L4 and L7 and the guidance set out in SPD3 which, amongst other things, seek the provision of sufficient off-street car and cycling parking and the provision of

waste recycling facilities. It would also fail to accord with the Framework's objectives to create places with a high standard of amenity.

Other Matters

13. The appellant has indicated, within the Full Statement of Case, that the comments of the Council go against policies of the CS and PfE. Even if I were to agree that the appeal proposal accord with the parts of CS and PfE that the appellant has highlighted, it remains that the harm that I have identified above conflicts with the development plan when considered as a whole. Any support derived from such policies therefore does not weigh in favour of the appeal proposal.
14. The Public Sector Equality Duty (PSED) set out under section 149 of the Equality Act 2010 (the Act) is that a public authority must, in the exercise of its functions, have regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
15. I have no remit to address whether the Council complied with the PSED when determining the planning application, but I am bound by the duty myself. In this case the applicant is an elderly, ambulant user and as such the protected characteristics of disability and age are engaged.
16. I am in no doubt that the proposal would be beneficial to the appellant as all required accommodation would be provided on the ground floor. Nevertheless, this does not justify development that does not provide satisfactory living conditions for future occupiers of the first floor flat as set out above. This is particularly so given that no evidence has been presented that demonstrates that the ability to provide the proposed accommodation on the ground floor is dependent upon the provision of the first floor flat.

Planning Balance

17. The Council is currently unable to demonstrate a five-year housing land supply. Consequently, para 11d) of the Framework is engaged. Therefore, according to para 11d) ii) of the Framework, consideration must be had as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.
18. In addition to the benefit to the appellant I have referred to above, the proposal would make a very modest contribution of one dwelling, in an accessible location, to the supply of housing. Benefits to the local economy would also be small given the scale of the scheme.
19. As set out above, I have found that development fails to provide satisfactory living conditions for future occupiers with particular regard to internal space, bin storage, and car and cycle parking to which I give considerable weight.
20. Overall, I find that the harm I have identified would significantly and demonstrably outweigh the benefits. Therefore, the Framework is not a material consideration that indicates a decision other than in accordance with the development plan.

Conclusion

21. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
22. For the reasons given above the appeal should be dismissed.

Elaine Moulton

INSPECTOR