



Appeal Decision

Site visit made on 18 December 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 January 2024

Appeal Ref: APP/B4215/W/23/3322267

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 M Akhtar against the decision of Manchester City Council.
 - The application Ref 135267/FO/2022, dated 24 October 2022, was refused by notice dated 20 December 2022.
 - The development proposed is a one bedroom basement flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. During the course of the appeal, I sought additional comments from both main parties on matters regarding outlook and light from the proposed habitable rooms. I shall return to this matter below.

Main Issues

4. The main issues are:
 - Whether the proposal would provide adequate living conditions for future occupiers, with particular regard to privacy, noise and disturbance, external space, outlook and light; and
 - The effect of the proposal on the living conditions of existing occupiers, with particular regard to noise and disturbance and the demand for on-street car parking.

Reasons

5. The appeal property is a detached, two storey property which comprises five flats. The appeal proposal seeks to convert the basement to a self-contained flat, along with the installation of lightwells to the front and rear.

Living conditions of future occupiers

6. The front windows of the proposed development would be positioned adjacent to the main entrance to the host property. Occupiers of the existing flats would therefore be passing near to the windows which would serve the main living space and bedroom of the proposed development. However, by virtue of the deep and narrow arrangement of the lightwells, views into those rooms would be very oblique and limited.
7. With regards to the potential for noise transference from the flats above the appeal proposal, it has not been convincingly demonstrated to me that soundproofing requirements set out in other legislation would not be sufficient to protect the living conditions of future occupiers.
8. It appears that the bins are currently stored in a linear arrangement to the front of the property, within close proximity to the proposed lightwell. This arrangement may result in some noise and disturbance to future occupiers. However, the appeal site is of a generous size with good space to the side, such that bins could be stored along the side of the property. This could be appropriately controlled via conditions.
9. Moreover, even if noise resulting from the moving and emptying of bins were to occur on waste collection day, I consider that this would not be so different to other properties whereby bedrooms are located to the front, albeit on upper levels. Moreover, times when this would occur would be limited. The arrangement of the proposed living accommodation would be acceptable in this regard.
10. The external space which would be provided for future residents would be predominantly to the rear. Whilst there are clear views into this area from the adjacent development at Brook Court, as noted by a previous Inspector¹, it seems to me that it is only the access points to those properties which are within close proximity. As such, I consider that any loss of privacy in this respect would be limited.
11. Further, the overlooking which would result from existing flats within the host building is a typical, mutual arrangement and not therefore detrimental in this instance. I am therefore persuaded that the degree of privacy and amount of external space would be satisfactory.
12. However, following comments received from both main parties, I remain concerned with regards to the outlook from habitable rooms and the amount of light which would reach them.
13. The proposed dwelling would be served by three windows: one each to the bedroom, kitchen and dining room. However, the windows would be no higher than the ground level immediately outside, there would be very limited separation distance between them and the edge of the excavated lightwell and the lightwell would be secured at the top. Therefore, the limited size of the lightwell and position totally below the outside ground level would be overbearing for future occupiers and result in an extremely poor outlook, and levels of daylight reaching the concerned rooms are also likely to be very low as a result. The large size of the proposed windows would fail to overcome these concerns.

¹ Appeal ref: APP/B4215/W/22/3306938

14. Accordingly, the proposal would fail to provide satisfactory living conditions for future occupiers, with regard to outlook and light. It therefore fails to comply with Policies SP1 and DM1 of Manchester's Local Development Framework, Core Strategy, Development Plan Document (July 2012) (the CS) and Policy DC5 of The Manchester Plan, The Unitary Development Plan for the City of Manchester (July 1995) (the UDP). Together these policies aim to achieve a high standard of housing and living conditions which makes a positive contribution to the health and wellbeing of residents.

Living conditions of existing occupiers

15. The appeal proposal would result in a one bedroom unit of accommodation at the appeal site. In terms of comings and goings, I consider that the number of additional occupiers would not lead to a high volume of comings and goings at the appeal site which would be to the detriment of existing occupiers, both at the host property and in the wider locality.
16. The proposal does not include off-street parking provision thus there would likely be an increase demand for on-street parking. The evidence before me indicates that the area is popular with students and properties tend to be converted to provide multiple occupancy, thus there is existing pressure on on-street parking.
17. At the time of my site visit I observed that there were many on-street parking spaces on Brook Road and the surrounding streets, and the area was not subject to parking restrictions such as a permit scheme. I acknowledge that my observations were just a snap-shot in time and there may be greater pressure for on-street parking in the evenings and overnight.
18. Nevertheless, I am not convinced that the area is heavily congested or that the additional, very limited demand which may result from the proposal would significantly increase demand for car parking which would lead to localised stress, should any pressure exist.
19. I am therefore satisfied that the proposal would not result in a harmful effect on the living conditions of existing residents through the raised level of stress that can be caused by the increased demand for parking on nearby roads. Thus the proposal complies with Policies SP1 and DM1 of the CS and Policy DC5 of the UDP, the aims of which are noted above.

Conclusion

20. The proposal would provide one additional dwelling to local housing stock and would result in economic benefits during conversion and on subsequent occupation. I afford these benefits limited weight taking into account the small scale of the proposed development.
21. The development would fail to provide satisfactory living conditions for future occupiers, harm which leads to conflict with the development plan as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR