



Appeal Decision

Site visit made on 17 January 2024

by M Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2024

Appeal Ref: APP/B4215/W/23/3329147

57 Albany Road, Manchester M21 0BH

- 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 Owais Ahmed Siddiqi against the decision of Manchester City Council.
 - The application Ref 137096/FO/2023, dated 28 May 2023, was refused by notice dated 31 August 2023.
 - The development proposed is conversion of existing basement into a self-contained one bedroom flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. Therefore, I am satisfied that there is no requirement to seek further submissions on the revised Framework and that no party's interests have been prejudiced by my taking this approach.

Main Issue

3. The main issue is whether the proposal would provide satisfactory living conditions for future occupiers, with particular regard to natural light, noise and disturbance and privacy.

Reasons

4. The appeal site relates to a substantial three storey end terraced property on the western side of Albany Road. The building has been subdivided into three flats which are accessed from the front entrance. It is set back from the road behind a small front garden and low boundary wall. At the rear there is a two storey outrigger and a large enclosed yard which is accessible from the gated passageway to the side of the building. The building includes a self-contained basement which is accessed via steps and a doorway to the rear. The surrounding area is of mixed character with the western side of Albany Road predominantly comprising residential properties and the eastern side consisting of a trading estate and various commercial premises.
5. During my site visit I observed that the floor to ceiling height within the basement is very low. The floor level within the proposed basement flat would be lowered by 500mm to create an adequate internal ceiling height of around 2.3m. A new entrance door, steps and lightwell serving the basement would be

formed below the bay window to the front of the building. The basement would also continue to be accessible from the rear door via the side passageway.

6. The basement is not currently served by any windows though there is a bricked-up window to the front elevation below the bay. Even if the new front door to the basement were to include an element of glazing, given the limited depth of the lightwell, the living room and kitchen would be unlikely to receive sufficient natural light penetration, particularly the parts of those rooms further away from the lightwell. A window and lightwell are proposed to the rear elevation to serve the bedroom and a small window would serve the bathroom. For the same reason, the rear lightwell to the bedroom would not provide sufficient light to this space. This would lead to a dark and gloomy environment for future occupiers who would be likely to rely on artificial light. In addition, I consider that the living room, kitchen and bedroom would have an oppressive outlook towards the opposing blank walls of the lightwells. As a result, the proposed flat would not provide a high standard of accommodation.
7. The appellant contends that the windows to the basement flat would be similar to others along Albany Road. However, no specific details of other basement flats have been provided to enable me to draw any comparisons to the appeal proposal. In any case, this consideration does not justify a proposal that would fail to provide the modern standards of living conditions that future occupiers might reasonably expect.
8. The rear yard is a shared amenity area for the three existing flats and is used as a garden. The submitted plans show that it would be used partly for the storage of bins. Given that there are only three existing flats within the building, it is unlikely that the movement of a small number of bins from the rear yard to the front of the site on bin collection days, and back, would result in significant noise and disturbance for occupiers of the basement flat. In relation to privacy, it is unlikely in my view that future occupiers of the basement flat would be significantly overlooked from the yard given that the rear bedroom window would face the lightwell below ground level and that occupiers of the existing flats do not have direct access to the rear yard.
9. The Council's officer report identifies that the new sunken front entrance would create a potential safety risk for occupants and be contrary to the Council's approach to new basement access. However, the Council accepts that this matter could be resolved through the imposition of appropriately worded conditions. I agree with that approach and the issue of security has not, therefore, been a determinative matter in this appeal.
10. For the above reasons, I consider that the proposal would fail to provide satisfactory living conditions for future occupants having particular regard to natural light. It would conflict with Policies DM1, EN1, H1, H6 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012), and saved Policy DC5 of the Unitary Development Plan for the City of Manchester (1995) (UDP). Amongst other things, these policies require development to achieve good design which makes a positive contribution to the health and well-being of its residents. The proposal would also be contrary to the Framework, which requires a high standard of amenity for existing and future users of development. I find no conflict with Policy DC26 of the UDP, which requires development to reduce the impact of noise on people. The Council's statement of case refers to a conflict with Policy DC6 of

the UDP, but this policy relates to housing on backland sites and I have identified no conflict with it.

Other Matters

11. Although not a reason for refusal, the Council's officer report also identifies that the creation of the new sunken front entrance would alter the character of the building and the street scene. However, the design of the new entrance with metal railings would be a modest alteration which would not be unduly prominent and would reflect other such basement entrances to the front of properties along this road, including that to the attached neighbouring property, 55 Albany Road. Therefore, the proposal would not be harmful to the character and appearance of the property or the surrounding area.
12. Interested parties have commented on other matters, including the lack of parking in the area, loss of part of the shared outdoor space and structural changes to the property. However, the Council raise no concerns in relation to these matters and I have no reason to reach a different conclusion based on the evidence before me and my observations on site.
13. The development would provide an additional unit of housing in an accessible location. It would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and insufficient to outweigh the harm I have identified.

Conclusion

14. The proposed development does not accord with the development plan read as a whole, and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with it.
15. For the reasons given above, I conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR