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# Appeal Decision

Site visit made on 6 February 2024

**by A Veevers BA(Hons) DipBCon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2024**

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**Appeal Ref: APP/B4215/W/23/3327768**

**4 Rowsley Avenue, Manchester M20 2XD**

- 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 Andrew Leung against the decision of Manchester City Council.
  - The application Ref is 131091/FO/2021.
  - The development proposed is conversion of dwellinghouse into 5 no. self contained flats together with a two storey rear extension and associated car parking, bin store and amenity space.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of development provided on the planning application form read 'change of use from the existing 1 single dwelling (C3) into 5x self contained apartments (C3)'. The Council changed the description to that in the banner heading above. This description is more precise and was used by the appellant for the purposes of the appeal. Consequently, I am satisfied that no party will be prejudiced by my use of it.
3. It is incumbent on me to determine the proposal in accordance with current local development plan policy and guidance, and the most up to date national policy as set out within the National Planning Policy Framework 2023 (the Framework). The development plan includes the Core Strategy Development Plan Document 2012 to 2027 (CS) and saved policies of the Unitary Development Plan for the City of Manchester, 1995 (UDP), both of which are referred to in the decision notice.
4. The emerging joint Development Plan Document 'Places for Everyone' (PfE) is at an advanced stage of preparation. Neither of the main parties have directed me to specific policies in PfE in relation to this appeal. Furthermore, I am not aware of the extent to which any policies relevant to this appeal may be replaced and this limits the weight I can afford the PfE at the present time. I have determined the appeal on the basis of the adopted development plan at the time of my decision which should be afforded full weight.

## Main Issues

5. The main issues are the effect of the proposed development on:
  - The mix and balance of housing, with particular regard to the supply of family-sized dwellings; and,

- The living conditions of nearby residents with particular regard to noise, disturbance, waste generation and demand for parking.

## Reasons

### *Mix and balance of housing*

6. The appeal property is a large, traditional, detached dwelling on a relatively generous-sized plot. The property is of Victorian character and includes a detached flat roof double garage within the rear garden which is accessed from a drive to the side of the dwelling. It is located along Rowsley Avenue, which is a street of relatively short length that gently slopes towards the River Mersey to the south. The street is predominantly characterised by large detached residential properties and a relatively consistent building line with properties set behind front gardens, low boundary walls and mature hedges and trees.
7. The site is located within South Manchester where Policy H6 of the CS requires that outside the district centres, priorities will be for housing which meets identified shortfalls, including family housing. This is underpinned by Policy H1 of the CS which states that outside the Inner Areas (which includes the appeal site) the emphasis of type, size and tenure of the housing mix will be on increasing the availability of family housing.
8. Policy H11 of the CS relates to the conversion of dwellings to Houses in Multiple Occupation (HMO) and flats. Amongst other matters, it seeks to ensure that in parts of Manchester which do not have a high concentration of HMOs but where the lack of family housing has threatened the sustainability of the community to the extent that regeneration activity with the specific intention of increasing the amount of family housing has taken place, there will be a presumption against changes of use which would result in the loss of a dwelling which is suitable for a family. While it is unclear from the information before me whether the appeal site falls within an area of regeneration activity, the policy goes on to state that all proposals for conversion of existing properties into flats would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area.
9. For the purposes of Policy H11, housing suitable for a family is described as a dwelling with 3 or more bedrooms. The plans indicate that the appeal property has 6 bedrooms and a relatively generous area of private outdoor amenity space. The proposal would result in the creation of 5 no. 2-bedroom flats within the property with limited private outdoor amenity space due to a proposed parking area at the rear of the property. While the appellant claims the proposed accommodation could accommodate families, the size of the bedrooms and limited outdoor amenity space would be likely to appeal to individual or two-person households.
10. Accordingly, albeit currently vacant, the proposed development would result in the loss of an existing family dwelling. It would also remove a larger house from the housing stock which would threaten the delivery of the Council's strategic aims, which seek to increase the availability of family housing.
11. Notwithstanding the loss of a family dwelling, saved Policy DC5.2 of the UDP advises that there will be a general presumption in favour of flat conversions within residential areas, and in other circumstances, subject to other relevant policies of the development plan. The policy also confirms that flat conversions

would be welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

12. On the basis of the submitted information, the appeal property has been vacant for at least 10 years and the Council notes that the appellant has not submitted any evidence to indicate the appeal property has been marketed for sale as a family dwelling. Whilst my attention has not been drawn to any policy that requires this specific information, the evidence before me and my site visit confirms that Rowsley Avenue predominantly comprises of well-maintained large family dwellings and no substantive information has been presented to indicate that the appeal property would be difficult to sell or let as a family dwelling. Neither has it been robustly demonstrated that the proposal would be the only way to retain and improve the property.
13. Moreover, Policy DC5.1 of the UDP sets out several criteria that should be had regard to when considering applications to convert a property to flats. Criterion d. refers to general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are new or an established feature of the immediate area. Policy DC5.4 requires that careful consideration should be given where a scheme is the first in a street of otherwise single family dwellings and weight will be given to the desirability of maintaining the character of the street in that respect. On the basis of the information presented, and observations at my site visit, I cannot be certain that there are other flatted developments in Rowsley Avenue or that they are an established feature. Therefore, the proposal would undermine the single family character of the street.
14. The appellant maintains that the property has not been used as family accommodation for many years, its size has proven too large for meaningful retention as a family dwelling and, hence, its loss as a family home would be negligible. Be that as it may, the potential remains for the appeal property to provide accommodation for a large family, or an extended family, in an area where the Council is seeking to promote family housing and, on the available evidence, there would be a demand. There is no robust information before me to demonstrate otherwise.
15. I conclude on this matter that the proposed development would undermine the mix and balance of housing, with particular regard to the supply of family-sized dwellings in the area. It would, therefore, be in conflict with the development plan, in particular, Policies SP1, H1, H6 and H11 of the CS and saved Policy DC5 of the UDP, as well as guidance in the 'Guide to Development in Manchester Supplementary Planning Document' (2007). These policies and guidance, amongst other things, all seek to encourage a strategic approach to the balance and mix of housing within the city to create neighbourhoods of choice, through providing high quality and diverse housing to meet local needs.
16. The proposal would also not meet the aims of paragraph 60 of the Framework insofar as it seeks to ensure an area's identified housing need is met with an appropriate mix of housing types.

*Living conditions of nearby residents*

17. The Council are concerned that the proposal would result in increased levels of activity due to an intensification of the property. The current property could reasonably be occupied by a single, or extended family of 6 to 8 people. This proposal would result in 5 no. 2 bedroom flats, with a potential occupancy of up to 15 people, although having regard to the size of some bedrooms, it is likely to be substantially less. Nonetheless, this proposal would result in an intensification in occupancy that would be likely to be above that which could currently occur.
18. I also appreciate that the comings and goings associated with a single family could often be shared whereas that of five individual householders would differ. Compared to some family living, the greater independence of individuals living in 5 flats at the property going about their daily lives would be likely to generate higher levels of comings and goings both within and about the property. This would include that associated with visitors to residents of the flats.
19. There is an existing drive which leads to a detached double garage between the side elevation of the appeal property and the boundary with No.6 Rowsley Avenue (No.6). The garage would be removed and a parking area would be created at the rear of the property for 5 vehicles, as well as a shed for bicycle storage. On the basis of the submitted information and my observations on site, the neighbouring properties are in use as single family dwellings. The location of the proposed car park and the comings and goings to it would lead to activity close to neighbouring gardens.
20. Notwithstanding the proximity to other dwellings, given there is a brick wall between the driveways of the appeal property and No.6 as well as a detached garage at No.6, and the wall, trees and vegetation along the boundaries with No.7 Oaker Avenue and No.2 Rowsley Avenue, the effect of any noise and disturbance from the parking area would be limited. In any event, with appropriate boundary treatment, the effect of the car park could be mitigated. This could be secured through the imposition of a planning condition.
21. I have also had regard to the fact the use of the property as an existing large family dwelling, particularly one that could include older teenagers and young adults, could also generate demand for a similar level of parking and associated noise, albeit such parking would likely be contained within the existing garage and driveway. The proposed parking area would encroach into the rear garden area of the appeal site, which is not a common feature in the area. Nonetheless, plot sizes of surrounding properties are relatively generous, and the parking area would not spread across the whole of the appeal site's rear garden.
22. Concern has been expressed that the proposal may lead to an increase in on-street parking in the area which would lead to further parking stress, noise and disturbance. Although car ownership of the occupants of the proposed flats cannot be precluded, the proposed 5 off-street parking spaces equates to one space for each flat. Furthermore, the appeal site is in an accessible location which offers good access to bus and Metrolink services. I also observed that several schools and other facilities and services were within walking distance. The proposal also includes secured bicycle storage. For these reasons the

occupants of the proposed flats would not necessarily be solely reliant upon the private car for their day to day needs.

23. Even if the proposal resulted in increased demand for on-street parking, at my visit I noted that there are no parking restrictions on Rowsley Avenue and whilst there was on-street parking, there remained some capacity in the vicinity of the appeal site to park on the street. I acknowledge that my visit was a snapshot in time, and not representative of on-street parking levels in the evening or at the weekend when pressure would be at its greatest.
24. Nonetheless, I consider sufficient capacity would remain on Rowsley Avenue to accommodate the limited additional parking demands arising from the proposal. The Council's Highway and Community Safety teams have raised no objection with regard to parking demand and associated disturbance, and I find no compelling case to disagree. I therefore find that any increased demand for parking arising from the appeal proposal would not be to such an extent that it would have a detrimental impact on the living conditions of nearby occupants.
25. There would be an increase in waste generation as a result of the proposed occupancy of 5 individual flats. Whilst the proposal would undoubtedly result in additional bins being required, the submitted plans demonstrate that these would be accommodated within the existing outdoor space to the side of the property. Furthermore, I consider that any additional bin movements would be minimal and would not result in significant noise and disturbance being caused to neighbouring occupants.
26. I conclude on this matter that the proposed development would not result in an over-intensive use of the property such to have an undue adverse effect on the living conditions of nearby residents with particular regard to noise, disturbance, waste generation and demand for parking. It would therefore not conflict with Policies SP1, DM1 and H11 of the CS and saved Policy DC5 of the UDP which, amongst other things, collectively seek to ensure developments have regard to the amenity, health and well-being of neighbouring occupiers. The proposal would also comply with the same aims of the Framework.

### **Other Matters**

27. Reference has been made by the appellant to a previous appeal decision where the Inspector had regard to the length of time a property had been vacant when assessing the loss of a family dwelling. The full details of that case are not before me to be able to make a robust comparison with this appeal proposal. Whilst consistency of decision making is important, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
28. The development would provide five individual units of accommodation which may contribute to low-cost housing and may be attractive to single individuals. It would also make use of a vacant building and would be well located for access to facilities and services. 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, this attracts limited

weight in favour of the scheme and would not outweigh the significant harm I have identified in terms of the effect of the proposal on the mix and balance of housing, with particular regard to the supply of family-sized dwellings in the area.

29. That the development would be acceptable in terms of its effect on the living conditions of occupiers of neighbouring residential properties with particular regard to noise, disturbance, waste generation and demand for parking is a neutral factor.
30. I have considered all other matters raised by interested people. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to reach a conclusion on these matters.

### **Conclusion**

31. 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.
32. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*A Veevers*

INSPECTOR