



Appeal Decision

Site visit made on 14 February 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2024

Appeal Ref: APP/U4230/W/23/3327053

Brindley Arms, Whittle Street, Salford, Worsley M28 3WY

- 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 Simon Rudich of Viking Luxury Properties Limited against the decision of Salford City Council.
 - The application Ref 22/80917/FUL, dated 2 December 2022, was refused by notice dated 15 February 2023.
 - The development proposed is conversion of former public house to create 9 apartments, with extension and to include alterations to elevations at Ground Floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Alternative layout plans were submitted during the appeal process. These demonstrate the possible adaptability of furniture in alternative layouts. The revisions indicated on these plans would also involve a significant change to the bin storage area. This would require further consultation. For the avoidance of doubt, I have had regard to these plans as illustrative only. I have aligned my assessment of the proposal on the plans submitted with the planning application.

Main Issue

3. The main issue is whether the proposal would provide acceptable living conditions for future occupiers, with regard to outlook and space.

Reasons

4. Brindley Arms is a former public house, situated within a residential area. At the time of my site visit, the building had fallen into a deteriorated state, but it was evident that residential accommodation previously occupied the upper floors.

Outlook

5. Policy D5 of DMPD requires development proposals to provide all potential users with an acceptable level of amenity, amongst other criteria.
6. The first bedroom of apartment C would look out onto a rear landscaped area and bin storage area to the rear of the building. There would be some distance between the window and the opposite boundary wall. However, due to the narrow outlook and height of the proposed wall to the rear landscaped area, this would limit the outlook from this window, creating an enclosed space. I

note that the appellant has indicated a 9m separation distance. Policy D5 requires this distance of space between habitable room windows and walls of a similar height. However, in this circumstance, a future occupier would be required to view this outlook at a tight angle, through a small window. As such, this would not provide an acceptable level of outlook from bedroom 2 of Apartment C.

7. The second bedroom of Apartment B would look out onto a tall brick wall at a close distance, creating a negative outlook and sense of enclosure. The appellant suggests that this would be a low-level wall and that an outlook of 9m can be achieved. However, this would create an unattractive outlook for future occupiers due to the close proximity of the bin storage area.
8. The proposal would fail to provide an acceptable outlook to bedrooms 2 of apartments B and C. Whilst the rooms concerned are served by windows and would allow some outlook, this would be onto an enclosed area with a narrow and unattractive outlook for the future occupiers of these dwellings. As such, the development would fail to provide adequate separation distances to create an appropriate outlook for the future occupiers of these apartments, as per Policy D5 of the DMPD.

Living Space

9. I note that a previous Inspector (APP/U4230/W/20/3258891) concluded that some of the apartments would be acceptable despite having small living spaces. However, I note that since this decision, the Council has adopted the Salford Local Plan: Development Management Policies and Designations 2023 (DMPD). This incorporates the Nationally Described Space Standards (NDSS), the previous relevant policies of the City of Salford Unitary Development Plan 2004 – 2016 did not. I have therefore concluded on the proposed development based on the current DMPD. I therefore ascribe minimal weight to this appeal decision.
10. Policy H2 of the DMPD states that changes of use and conversions shall as a minimum meet the NDSS. However, Policy H2 also states that where developments do not meet the NDSS because it would incorporate a furnished layout, they will be permitted subject to a condition or planning obligation which would require them to be retained in perpetuity as furnished accommodation.
11. Several of the proposed spaces would not comply with the NDSS. However, upon assessment, the apartments would be slightly under the required standard but would be of a tolerable size. More decisively, the proposed spaces are illustrated as furnished on the plans submitted and therefore could be subject to a planning condition requiring that they be provided to future occupiers as such.
12. To conclude, whilst the space provided would fail to satisfy the NDSS, I find in line with Policy H2 that it is demonstrated that these spaces could be furnished. Therefore, this could be conditioned as per Policy H2 of the DMPD. However, the outlook to apartments B and C would have an unacceptable harm on the living conditions for future occupiers. Therefore, the proposal would work against the provisions of Policy D5, which I have set out above.

Other Matters

13. Outdoor amenity space would be provided for the use of future residents. This space is not overly large. However, the Council has not stipulated any requirements for outdoor amenity space. The proposal is within close distance to public open space. Space is also provided for parking and cycle parking. It would further contribute towards the overall housing supply of the local area. Additionally, a unique and vacant building would be brought back into use.
14. I note that a Crime Impact Statement has been provided. This does focus on a previous proposal at this site for 10 apartments, however the findings are comparable to that of a proposal for 9 apartments. This report suggests that certain features of the proposal make a positive contribution to the prevention and fear of crime.
15. However, this lack of harm, even when considering the appropriate sunlight available to future users is a neutral consideration when set against the harm I have identified in relation to outlook from apartments B and C.

Conclusion

16. The proposal would conflict with the development plan as a whole. Whilst the provision of nine apartments would provide a positive contribution to overall housing supply, this does not outweigh the harm I have found listed above. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR