



Appeal Decision

Site visit made on 16 February 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 May 2024

Appeal Ref: APP/Q4245/W/23/3329303

1 Queens Road, Urmston, Manchester M41 9HA

- 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 Yuen Chu Wong against the decision of Trafford Council. The application Ref 109052/FUL/22, dated 24 June 2022, was refused by notice dated 23 March 2023.
 - The development proposed is the subdivision of existing dwellinghouse to 3 no. flats (C3), alterations to rear elevation and new side window at second floor level
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the Council's decision notice as this is a more accurate description than that in the application form.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
4. The Council adopted the Places for Everyone Joint Development Plan Document For Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford And Wigan 2022 to 2039 (the JDPD) in March 2024. The main parties were given the opportunity to comment on the implications of the JDPD for the proposal and these have been taken into account, where received.
5. An outbuilding is located to the rear of the appeal property, connected to the main dwelling by a steel walkway. Although this is currently used for short term rental units, the main parties agree that its lawful use is as a single annexe associated with the main property. I acknowledge the Council's concerns regarding the effect of the short term lettings on the development, but as that use is unlawful and subject of enforcement action, it would not be appropriate to consider those effects, and in any case they could have no determinative bearing on my decision.

Main Issues

6. The main issues are the effect of the development on: the character and appearance of the area; parking provision and highway safety; the living conditions of occupiers of neighbouring properties with regard to noise and disturbance and

traffic; and the living conditions of future occupiers with regard to internal space provision, the accessibility of units, outlook, light, noise and disturbance, and privacy.

Reasons

Character and Appearance

7. The appeal site comprises a three-bedroom semi-detached dwelling with low, front boundary wall and hardstanding driveway to the side, with connected outbuilding to the rear. The immediate surrounds are residential, with this section of Queen's Road being made up primarily of properties set back behind low boundary walls, providing a visual separation between the dwellings and the public realm. I noted certain properties with sizeable front openings to create access to a singular parking area, including some with no front boundary treatments. Nevertheless, it remains that the predominant pattern of development, particularly in the immediate grouping of dwellings alongside which the appeal property sits, includes the retention of notable elements of front boundary wall.
8. The proposal seeks to subdivide the existing dwelling into 3 two-bedroom flats. In doing so there are limited elevational changes proposed to the design of the dwelling. A new side window would be installed at second floor level and a door opening would be altered to a window at first floor level on the rear elevation. The main parties agree that these changes would not result in visual harm. While the Council also refers to design changes to make the proposal more accessible, such changes do not form part of the scheme before me.
9. However, the proposal would also involve the creation of an additional parking space, located in front of the dwelling. It would be separated from, and on the opposite side of the site to, the side driveway. Although not shown on the proposed elevational plans, this is clearly demonstrated on the proposed layout plans and would necessitate the removal of the section of boundary wall and the current greenery at this part of the site.
10. This would alter the current verdant nature of this section of the site, although given the prevalence of front hardstanding and the lack of front garden planting at many surrounding properties, this in itself would not be visually harmful. However, by removing a section of the front boundary wall, the proposal would serve to further erode the contribution such walls make to the predominant character, leaving a minimal section that would be particularly out of step with the immediate grouping of properties on this side of the road. In addition, the creation of a front parking space in this location, separate to and distinct from the main driveway, would be an incongruous feature that would appear visually jarring and fail to reflect the prevailing pattern of development in this part of the street.
11. For the reasons given above I find that the proposal would have a significant adverse effect on the character and appearance of the area. As such, it would fail to comply with aspects of Policy L2 of the Trafford Local Plan Core Strategy 2012 (the CS) that have not be superseded insofar as they seek to ensure development is not harmful to the character and amenity of the immediate surrounds. It would also fail to comply with Policies JP-S1, and JP-P1 of the JDPD insofar as they seek to ensure development respects and acknowledges the character and identity of the locality.

Parking Provision and Highway Safety

12. Trafford Council Supplementary Planning Document SPD3 Parking Standards and Designs (the SPD) sets out the maximum parking requirements for a two-bedroom flat, being 2 spaces. Accordingly, the maximum parking standards for the proposal would be 6 spaces. The submitted plans shows 3 parking spaces, being two spaces to the side of the dwelling within the current driveway, and a further space to the front of the dwelling following the removal of the front boundary wall, thus providing a level of parking that falls within the maximum standards. While the Council also references the parking required by the current letting of the outbuilding, I have assessed this on its lawful use as an annexe.
13. However, the two parking spaces proposed within the side driveway are shown to be located in a tandem arrangement and, based on my observations, this would be the only arrangement that would allow for the parking of two cars in this location. As such, were a car utilising the front driveway parking space it would not be possible for drivers to enter or exit the parking space towards the rear. Accordingly, there is no guarantee that access to and from this rear parking space would always be possible. Given that the proposal would result in three separate households, each with separate movements, the convenience and useability of the rear driveway parking space proposed would be particularly limited.
14. Furthermore, the proposed space to be created in front of the property would measure approximately 4 metres in length. On the basis of my observations of the available space on site, for certain vehicles this would likely result in overhang onto the public footpath. The SPD states that off-street parking should provide sufficient space to accommodate a parked car off the highway, citing a minimum of 5 metres in length in front of a blank wall. While certain cars may be accommodated within a space of the dimensions proposed, my observations coupled with the SPD guidance indicate that the useability of this parking space would also be limited or, due to overhang, would present an obstruction to the footpath, harmful to the free flow of pedestrian movements.
15. I note the evidence submitted in terms of the location of the site relative to services to support day to day living, including public transport links. Future occupiers would have access to facilities such as shops, a post office, a doctor's surgery and a library, a bus stop, and Urmston railway station. Accordingly, a Greater Manchester Accessibility Level of 5 is quoted. Nevertheless, there is no guarantee that future occupiers would not have access to a car. Even acknowledging the lack of highway authority objection, given the limited useability of two of the three parking spaces proposed, I find that there remains a realistic potential for the proposal to result in increased demand for on-street parking, given the possible level of occupation.
16. A no waiting restriction is in operation on this section of Queen's Road from 09:00 – 20:00 Monday to Saturday, limiting the availability of on-street parking in the immediate area. While unrestricted parking appears to be available on surrounding streets, at the time of my visit this was well-used and, although a car park is available on Manor Avenue, this appears to be a pay and display car park. Any additional demand for on-street parking as a result of the proposal would therefore lead to an inconvenience to road users and the potential to impact the safe and efficient operation of the immediate highway network due to overparking.

17. For the reasons given above I find that the proposal would have a significant adverse effect on parking provision and highway safety. As such, it would fail to comply with aspects of Policies L2, L4 and L7 of the CS that have not been superseded and SPD3: Parking Standards and Design insofar as they seek to ensure development provides sufficient off-street parking and is on a site of sufficient size to accommodate the proposed use and all necessary facilities for prospective residents.

Living Conditions – Neighbouring Occupiers

18. The proposal would increase the lawful occupation of the site through conversion of the property from a three-bedroom dwelling house to three two-bedroom flats. This would introduce additional occupiers but also result in an increase in the households at the site. My observations suggest that such subdivision of properties is not commonplace in this section of Queen's Road, and there is nothing substantive to suggest otherwise.
19. Accordingly, the increased occupation of the site would be noticeable within the surrounds. Although the appeal property could currently accommodate a large family, it is unlikely that a single household would generate the same level of activity as three separate units. While a family unit would likely spend more time together, the proposal has the potential to result in numerous daily routines and separate activities.
20. As such, it is reasonable to assume that the levels of activity taking place both inside and outside of the property would be over and above that normally expected in relation to a single family dwelling. There would be an increase in the number of comings, goings and associated activities of occupiers of the proposal. While no technical noise evidence has been provided by the Council and there is no objection from the environmental protection department, it remains that this would significantly increase the noise generated from sources such as general movement and activity, the opening and closing of doors, and any vehicular activity.
21. The noise associated with the increased activity would be noticeable to occupiers of surrounding dwellings, particularly given the proximity of the dwelling and driveway to its immediate neighbours. In the context of the residential area, this would have a significant impact in terms of noise and disturbance, to the detriment of the living conditions of neighbouring occupiers. Even if I were to acknowledge an already increased level of activity at the outbuilding due to the short term lettings, it remains that a further two households as a result of the proposal would still result in a notable increase in activity levels, creating undue noise and disturbance.
22. The Council has also raised concerns that the increased occupation of the property would result in harm to the residential amenity of occupiers of neighbouring dwellings due to increased parking demand. I have outlined above that the proposal has potential to result in additional demand for on-street parking, which I observed to be limited at present. This would be to the detriment of the living conditions of occupiers of surrounding dwellings through creating an increase in parking stress. I do not consider that the identified harms to living conditions can be adequately overcome by way of condition.
23. For the reasons given above I find that the proposal would have a significant adverse effect on the living conditions of neighbouring occupiers with regard to noise and disturbance and traffic. As such, it would fail to comply with elements of

Policies L2, and L7 of the CS that have not been superseded and the Trafford Borough Council Planning Guidelines for New Residential Development dated September 2004 (the PGNRD) insofar as they seek to ensure that development is not harmful to the amenity of the surrounding area and does not prejudice the amenity of occupiers of adjacent properties.

Living Conditions – Future Occupiers

24. The submitted plans show an overall limited level of floorspace in proposed Flat 3, in the uppermost part of the proposal particularly within the communal areas such as the lounge and kitchen. This would create a confined and cluttered layout with contrived arrangements of furniture and fixtures. As such, the provided floorspace would result in the flat having cramped communal spaces with minimal circulation area. The useability and enjoyment of these spaces would therefore be unduly impacted, such that this would not represent a good quality of accommodation for day to day living. My findings are supported by Policy JP-H3 of the JDPG, which sets out that all new dwellings must comply with the Nationally Described Space Standards (the NDSS), which the internal floorspace of Flat 3 would fail to meet.
25. This quality of accommodation provided by Flat 3 is further reduced by the lack of window within the proposed kitchen of this flat, which would result in a lack of outlook and restricted natural daylight in this space. Combined with the limited floorspace this would create an enclosed and oppressive environment within this room, limiting future occupiers' enjoyment of this space.
26. Policy JP-H3 of the JDPG also states that new dwellings must be built to be accessible, unless specific site conditions make this impracticable. None of the proposed units would be accessible, each requiring the use of some steps and stairs in order to access the flat. While I note that this is the case for the family dwelling currently at the site, the policy is clear that new development should seek to be accessible, and there is nothing substantive before me suggesting specific site conditions make this impracticable. In failing to provide any accessible units, the proposal would fail to comply with this policy. I do not consider that the identified harms to living conditions can be adequately overcome by way of condition.
27. The Council have further raised that the living conditions of future potential occupiers of the proposal would be negatively impacted with regard to noise and privacy, given the positioning of the proposed flats relative to the short term lettings of the rear outbuilding. However, it remains that the lawful use of this outbuilding is as an annex to the current appeal property which, in any event, the Council has acknowledged would fall away should permission be granted for the scheme. As such, on the available evidence before me, there would be no undue impacts on the living conditions of potential future occupiers of the site in this regard.
28. For the reasons given, I have found that the proposal would not result in significant adverse harm to the living conditions of future occupiers of the proposal with regard to noise and privacy but that it would result in significant adverse harm to the living conditions of future occupiers of the proposal with regard to the provision of internal floorspace, light, outlook and the accessibility of the units. As such, it would fail to comply with aspects of Policy L7 of the CS that have not been superseded and the PGNRD insofar as they seek to ensure that development does not prejudice the amenity of future

occupiers. It would also fail to comply with Policy JP-H3 of the JDPG insofar as it seeks to ensure that new dwellings comply with the NDSS and are built to be accessible.

Other Matters

29. The main parties agree that the proposal would not result in harm to heritage assets or their setting. Based on my observations I have no reason to disagree. This represents a lack of harm, neutral in the planning balance.

Planning Balance and Conclusion

30. Paragraph 11(d) of the Framework indicates that where the requisite housing land supply does not exist, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. As the Council are unable to demonstrate the requisite housing land supply, the main parties agree that this test is engaged.
31. The proposal would result in a net increase of two dwellings in a sustainable location, retaining existing housing in a residential area though its conversion of a sizeable property to flats in line with the guidance of the PGNRD. It would serve to contribute to the housing mix and choice of the area, optimising the potential of the site and increasing the intensity of development in an area with good public transport links as per the PGNRD guidance. In this regard, sub-division of existing properties is acknowledged as a means of ensuring housing delivery in Policy L1.4 of the CS. I further note reference within the policies of the JDPG to making use of brownfield land in accessible locations, the importance of housing delivery, a diverse housing mix and the growth in smaller households. This represents a clear benefit of the proposed scheme, attracting significant weight.
32. It would also have social and economic benefits and contribute to the local economy in providing construction jobs, potential for purchase of local materials, and new customers to surrounding shops thus enhancing and maintaining the local services. Due to the scale of the development these benefits are limited.
33. However, in relation to the adverse impacts, I have identified that significant harm would arise with regard to the effect of the development on: the character and appearance of the area; parking provision and highway safety; the living conditions of occupiers of neighbouring properties with regard to noise and disturbance and traffic; and the living conditions of future occupiers with regard to internal space provision, the accessibility of units, outlook, and light. While I have found that the proposal would not result in harm to the living conditions of future occupiers with regard to noise and privacy, this is a lack of harm which is neutral in the planning balance.
34. Given the totality of this harm, even acknowledging the significant weight attached to the identified benefits of the proposal, the adverse impacts of granting permission would not be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal cannot benefit from the presumption in favour of sustainable development. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan.

35. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR