



Appeal Decision

Site visit made on 30 May 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th June 2024

Appeal Ref: APP/B4215/W/24/3336488

8 Deerpark Road, Manchester M16 8FR

- 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 Mian Properties against the decision of Manchester City Council.
 - The application Ref 138034/FO/2023, dated 8 September 2023, was refused by notice dated 24 November 2023.
 - The development proposed is basement conversion to form two self contained flats, together with the internal alterations of the wider property and associated external alterations and enhancements to form a total of 5 self contained apartments (Use Class C3) with associated refuse, landscaping, parking and cycle storage.
-

Decision

1. The appeal is allowed and planning permission is granted for basement conversion to form two self contained flats, together with the internal alterations of the wider property and associated external alterations and enhancements to form a total of 5 self contained apartments (Use Class C3) with associated refuse, landscaping, parking and cycle storage at 8 Deerpark Road, Manchester M16 8FR in accordance with the terms of the application, 138034/FO/2023, dated 24 November 2023, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan, numbered A1477(02)AP001 REV P5, stamped as received by the City Council as Local Planning Authority on the 3rd November 2023; Proposed Basement & Ground Floor Plans, numbered A1477(02)AP002 REV P4, stamped as received by the City Council as Local Planning Authority on the 3rd November 2023; Proposed First & Loft Floor Plans, numbered A1477(02)AP003 REV P3, stamped as received by the City Council as Local Planning Authority on the 8th September 2023; Proposed Elevations, numbered A1477(02)AP004 REV P4, stamped as received by the City Council as Local Planning Authority on the 8th September 2023; Proposed Street Elevation, numbered A1477(02)AP005 REV P1, stamped as received by the City Council as Local Planning Authority on the 8th September 2023.
 - 3) Notwithstanding the approved plans, prior to the first occupation of the development hereby approved, a scheme for the storage (including

segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the City Council as Local Planning Authority.

- 4) No part of the development shall be occupied until the secure and covered cycle storage provision shown on the approved drawing labelled Proposed Site Plan, numbered A1477(02)AP001 REV P5, has been provided. The approved space and facilities shall then be maintained and retained at all times thereafter.

Preliminary Matter

2. The Places for Everyone Plan Joint Development Plan Document (PfE) was adopted in March 2024. Policies JP-S1 and JP-H1 of the PfE replace sections of Policy SP1 and H1 of the Manchester Core Strategy (2012) (CS) referred to in the Council's decision notice. This was dealt with in the Council's Statement of Case, and extracts of the PfE policies included as an Appendix. The appellant has had the opportunity to comment on these and it has not therefore been necessary, in this case, to seek further views from the main parties on this matter.

Main Issue

3. The main issue in this case is the effect of the proposals on the amenity of the surrounding area, with regards level of activity, car parking and storage of refuse.

Reasons

4. No.8 Deerpark Road (No.8) is a three-storey (plus basement) semi-detached property, set back around 6m from Deerpark Road on its northern side. No.8 is currently arranged as a small 3no. bedroom HMO at ground floor, and a single 2no. bedroom and 1no. bedroom self-contained apartment at first and second floor respectively. The existing basement is used for storage.
5. The proposal is to convert the existing basement to 2no. self-contained 1no. bedroom apartments, and the ground floor to a single 2no. bedroom (plus 'study room') apartment. The Proposed First Floor Plan shows alterations to the internal arrangement of rooms, but the existing self-contained apartments at first and second floor would remain.
6. There is disagreement between the parties as to the existing and proposed occupancy of the appeal property. Based on the proposed schedule of accommodation provided at paragraph 5.2 of the appellant's Statement of Case (namely: 2no. 1bedroom/1person; 1no. 1bedroom/2person; 1no. 2bedroom/4person; and 1no. 2bedroom/3person apartment) the total occupancy of No.8 would be around 11 persons, which is consistent with the Council's calculation. The appellant's evidence is that the proposal to alter the ground floor to accommodate a single self-contained apartment (2bed-4person) would 'essentially counterbalance' the proposed 2no. apartments at basement level (both 1bed-2person). I have no evidence before me regarding the occupancy of the existing 3no. bedroom HMO, but the existing ground floor plans show that bedroom 2 and 3 are small (10sqm and 7sqm), and it is reasonable to assume that the occupancy is unlikely to be more than 5 persons. This would be replaced with a 2bedroom/4person apartment at ground floor (albeit with a separate 'study room' which could be used as a bedroom)

and therefore the uplift in overall occupancy levels resulting from the proposals is considered modest at best.

7. I observed on my site visit that No.8 is located in an area that is predominantly residential in character, consisting of a mixture of detached and semi-detached Victorian and Georgian properties and purpose built apartment buildings. On the northern side of Deerpark Road, the properties appeared to be in either single, multiple occupation or converted into separate apartments. Although the number of potential occupants of No.8 could increase, I am not persuaded that this would result in an 'unacceptably high-level of activity,' as alleged by the Council, in such a mixed residential area. Nor does such a level of additional comings and goings necessarily result in noise and disturbance; the nature of the use of No.8 would remain as existing, residential.
8. To the side of No.8 is an area of hardstanding which would be demarcated to accommodate 2no. car parking spaces. I accept that the occupiers of the proposed apartments may choose to have access to their own vehicles, despite the good bus accessibility, and that this could lead to additional parking on-street. However, I observed on my site visit that whilst there were a reasonable number of cars parked close to the Deerpark Road and Alexandra Road South junction (so alongside the Grosvenor Court apartment building) there were few cars parked along the length of Deerpark Road. The consultation response from the Council's Development Management Citywide Support (Highways) comments that there is limited off-street parking and therefore on-street parking demands are present. Whilst I do not disagree with this, from my observations on site, an increase in parking demand associated with the proposals would not result in particular inconvenience to the existing occupiers of No.8, or occupiers of neighbouring properties.
9. I observed on site that the existing refuse bins for No.8 are stored to the front of the property on the pavement. The proposed ground floor plan shows an enclosed bin (and bike) store within the side garden and the submitted Waste Management Strategy suggests this would accommodate a general refuse, pulvable recycling, mixed recycling, food waste and industrial waste bin. It is unclear from the evidence before me whether the required number and volume of refuse bins can be accommodated within the storage shown, but I agree with the parties that this can sensibly be dealt with by condition.
10. On the main issue I therefore conclude that the proposals would not cause harm to the amenity of the surrounding area. Consequently, there would be no conflict with PpE policies JP-H1 and JP-S1 in so far as they require development to deliver new housing and minimise adverse impacts. Further, the proposals would not conflict with CS policies H5 or DM1 which together seek to accommodate residential development, having regard to the impact on the surrounding area, effects on amenity, including noise, and refuse storage and collection. In that the proposed apartments would provide a good standard of accommodation, would assimilate with the general character of the neighbourhood, and would not create unacceptable on-street parking pressure, there would also be no conflict with saved Policy DC5 of the Unitary Development Plan for the City of Manchester (1995).
11. The Council's decision notice refers to the Manchester Residential Quality Guidance and the Guide to Development in Manchester. I have not, however, been provided with copies of this guidance and as the Council's Statement of

Case does not identify where a conflict arises, the supplementary guidance has not had a bearing on my decision.

Conditions

12. The Council have suggested a list of conditions which I have considered against the guidance contained in the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have included a condition that specifies the approved drawings to provide certainty.
13. The Council have suggested a condition that the materials to be used on the external surfaces of the development permitted match those of the existing property in type, size, colour and texture. The external alteration works to No.8 identified on the Proposed Elevation drawings include the replacement of rainwater goods and soil vent pipes, cleaning and restoration of brickwork and 4no. new windows to afford outlook and light to the front basement apartment. I observed on site that there is no existing uniformity to rainwater goods and windows (which appeared in varying states of disrepair) and I do not therefore find it necessary to impose a condition requiring external materials to match the existing.
14. The Council have suggested a condition that would restrict the use of the development to Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended), namely use by a single person or people living together as a family. The reason given for this is a proliferation of HMOs or short term lets restricting housing choice and adversely affecting sustainability. I have, however, been provided with no evidence regarding the level of HMOs in the area and the restriction suggested would not, in itself, preclude short term letting of the apartments. I am also not persuaded, nor do I have evidence before me, that those uses within Use Class C3(b) and (c) would affect sustainability, or cause harm to the amenity of the area. In the absence of clear justification as to the necessity of this condition, it has not been imposed.
15. For the reasons given above, I have imposed a condition requiring a scheme for the storage of refuse and recycling to be submitted and approved by the Council, prior to first occupation of the development. Further, in order to ensure that occupants have genuine alternatives to the private car, I have imposed a condition requiring the secure and covered cycle storage shown on the Proposed Site Plan to be provided and thereafter retained and maintained.
16. The Council have suggested a condition requiring submission and approval of a scheme for acoustically insulating the proposed apartments against noise from Alexandra Road South and Yarrowburgh Street. No.8 is some distance from both Alexandra Road South and Yarrowburgh Street with existing residential properties between, and whilst both roads were busy at the time of my site visit, road noise was not particularly discernible from outside the appeal property. I am not therefore persuaded that this condition is necessary in the interests of the future occupants. The appellant has stated that they are agreeable to a condition which would ensure compliance with Part E of the Building Regulations, which includes the passage of sound between dwellinghouses and flats formed by a material change of use. In that the proposed development would in any event need to satisfy Building Regulations, a condition requiring compliance with Part E would not meet the test of necessity.

17. Finally, the Council has suggested that prior to commencement of the development a Preliminary Risk Assessment is submitted in respect of contamination. Given the proposals relate to the conversion of an existing building, such a condition is not necessary in the interests of public safety.

Conclusions

18. For the reasons given above, I conclude that the appeal is allowed.

R. Jones

INSPECTOR