



Appeal Decision

Site visit made on 31 March 2025

by **E Heron MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st May 2025

Appeal Ref: APP/B4215/W/24/3357105

91 Averill Street, Manchester M40 1PD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Joshua Jennings against the decision of Manchester City Council.
 - The application Ref is 140837/FO/2024.
 - The development proposed is change of use from Hairdressers to 1No 1 Bed Flat with external alterations to form new front door and window to front elevation.
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Decision

1. The appeal is allowed, and planning permission is granted for change of use from Hairdressers to 1No 1 Bed Flat with external alterations to form new front door and window to front elevation at 91 Averill Street, Manchester M40 1PD in accordance with the terms of the application, Ref 140837/FO/2024, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings: 'Location Plan,' 'Proposed Floor Plan and Elevations' (drg. no. 2449/02)
- 3) Notwithstanding details as shown on the submitted plans, prior to above ground works, samples, and specifications of all materials to be used on all external elevations of the development shall be submitted to and approved in writing by the City Council as local planning authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, a sample panel with brickwork and mortar shall be made available on site for inspection by the local planning authority and approved in writing.

- 4) Prior to first occupation of the ground floor flat hereby permitted, a scheme for the storage and disposal of refuse shall be submitted to and approved in writing by the City Council as local planning authority.

For the avoidance of doubt, new developments shall have refuse storage space for segregated waste collection and recycling. Internal and external storage areas are required.

The details of the approved scheme shall be implemented as part of the development and shall remain in situ whilst the use is in operation.

Main Issues

2. The main issues in this case are the effect of the development on:
 - the living conditions of future occupiers having regard to living space and privacy; and
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance and waste storage demands.

Reasons

Living space and privacy

3. The appeal site is at the end of a terrace row in a residential area and currently contains a hairdressers on the ground floor with a self-contained flat above. The entrance to the first floor flat is to the rear. The hairdressers shop is accessed from the front. The ground floor of the appeal property would be converted from the hairdressers to a one bedroomed flat comprising a main living area at the front, bedroom at the rear and a shower room.
4. Policy DC5 of The Manchester Plan, The Unitary Development Plan for the City of Manchester (the UDP), requires new flat conversions to conform to the Council's current approved standards. They are the Manchester Emerging Space Standards of 37 sq.m. for a 1 bedroom, 1 person flat with a shower room, or 50 sq.m. for a 1 bedroom, 2 person flat. Even if the lower figure provided by the Council is used, the proposed flat would have an internal floor area of 42.53 sq.m. These standards combine two separate guidance documents, one of which is the Nationally Described Space Standards (NDSS).
5. The Council's stance is that the flat would be occupied by 2 people, and as such the standard is not met. However, the appellant has proposed single person occupancy, and that being the case, the space standard requirement would be exceeded. From my site visit I observed that the area proposed for the bedroom would be small and suited to occupancy only by a single person. Indeed, the NDSS guidance states that in order to be suitable for 2 person occupancy, a double bedroom should have a floor area of at least 11.5 sq.m. There is no evidence before me that the bedroom would meet that requirement, notwithstanding the double bed indicated on the plans. Therefore, in the absence of evidence to the contrary, I have determined that it is reasonable to assess the proposal in terms of single occupancy. On that basis the space standard is exceeded.
6. I also consider that the area given over to living/dining/kitchen would be of a reasonable size, and both this space and the bedroom would receive ample natural light from the windows. Also, there is an existing yard which could be accessed via the gate at the rear, although it has not been clearly indicated whether the occupier would have access to it. In any case, even if only the small, enclosed area at the front was available for their use, taking account of the quality of the accommodation as a whole, the limited outdoor space would not be fundamentally detrimental to the quality of the overall living environment. I am therefore satisfied that the proposal would provide reasonable living conditions for future occupiers having regard to living space.

7. The proposed bedroom windows would face into the rear yard, in close proximity to the entrance to the first floor flat. Whilst I recognise that this could lead to the potential for overlooking of the bedroom, this matter could be simply overcome in a manner to suit the occupant. For example, installing venetian blinds or net curtains to retain privacy is not unusual in the context of an urban environment. For this reason, I do not consider that the proposal would be so unduly harmful to the living conditions of future occupiers having regard to privacy, as to dismiss the appeal on this basis.
8. For the above reasons I conclude that the proposal would avoid having an unacceptably harmful effect on the living conditions of future occupiers having regard to living space and privacy. Accordingly, I find no conflict with saved policy DC5 of the UDP, and Policies DM1, SP1 and H1 of Manchester's Local Development Framework, Core Strategy Development Plan Document (2012), updated March 2024 following adoption of Places for Everyone Joint Development Plan (the DPD). These policies require development to have regard to adequate internal accommodation and privacy and provide a positive contribution to the health and wellbeing of residents amongst other things.

Living conditions of neighbouring occupiers

9. The appeal site shares a party wall with no. 89 Averill Street, and to the opposite side the other neighbouring property is separated by the alley and a driveway. There is unrestricted on-road parking in the street and the wider local area. During my site visit I observed that the street was relatively lightly parked, and there is little evidence presented that suggests parking is a problem.
10. Entry to the ground and first floor flats would be taken from opposite sides of the property, spreading out the entrance points such that there would not be an accumulation of comings and goings at one location. Also, each flat is relatively small, which limits the overall occupancy of the building. With little evidence to the contrary, I am not persuaded that the likely intensity of occupancy of the building is significantly more than that of a single domestic household, to the extent that undue noise and disturbance harm would be caused. The limited outdoor space does not change that conclusion. Moreover, the existing use of the ground floor premises has the potential for more footfall and vehicle movements of customers than the proposed flat, albeit mostly during the daytime.
11. Whether occupied as flats or as a household there is always the potential for some noise and disturbance, however given my findings in relation to intensity of use, I do not consider that comings and goings, car movements, internal noise, and visits to the properties, would be so harmful when compared with the existing or a normal household situation, as to dismiss the appeal on this basis. The proposal would give rise to a requirement for additional bin storage, however there is space within the site as a whole for bins, and details of a scheme can be controlled by way of a planning condition.
12. For the above reasons I conclude that the proposal would avoid having an unacceptably harmful effect on the living conditions of neighbouring occupiers with particular regard to noise and disturbance and waste storage demands. Accordingly, I find no conflict with saved policies DC5 and DC26 of the UDP, and Policies DM1, T2 and SP1 of the DPD. These policies require development to make a positive contribution to health and wellbeing of residents, including by

having regard to effects on neighbours, reducing impacts from noise, and ensuring new development is accessible by walking, amongst other things.

Other Matters

13. The Council contends that the proposal would lead to the loss of family sized accommodation and that this is an area where it is desirable to retain and create such properties. The appeal site is already subdivided into two elements, so there is no loss of a family home, and during my site visit I observed that within this location single household accommodation predominates. Also, Policy DC5 of the UDP has a general presumption in favour of flat conversions within residential areas. Accordingly, and in the absence of evidence to the contrary, I give this matter limited weight.
14. As I have found that the proposal would not be harmful to living conditions of future and neighbouring occupiers, it is not necessary for me to consider any permitted development fallback position, such as that mentioned by the Council.

Conditions

15. I have imposed the standard time limit and list of approved plans conditions in the interests of certainty. I have required material samples and details of a waste management scheme in the interests of the character and appearance of the area. The requirement to submit a waste management scheme is 'prior to first occupation.' I have not been provided with clear justification as to why this information should be submitted pre-commencement, and I see no reason for it to be so.
16. Given the limited size of the rear yard, and space requirements for bin storage, I have not included a condition for a secure cycle store. As I have found that the proposal would not give rise to significant intensification of the residential use of the property, I have not included a requirement for sound insulation. In addition, I have no evidence before me that explains why heating details should be required as part of the planning application. I consider that these conditions would not be reasonable or necessary, and I note that the Council has not included them in their recommended list.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

E Heron

INSPECTOR