



Appeal Decision

Site visit made on 14 October 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/B4215/W/25/3369397

37-39 Central Road, Manchester M20 4YE

- 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. John Williams against the decision of Manchester City Council.
 - The application Ref is 141466/FO/2024.
 - The development proposed is conversion of existing basements to form 2no. x two bedroom apartments (Class C3) together with associated elevational alteration, lightwells and external bin stores.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Although the planning application form indicates that development has not commenced, the appellant's final comments acknowledge that activities were undertaken without planning permission and indicate that works have ceased; and that the appellant is in contact with the Council's Building Regulations department regarding the works completed. At my visit, the basement floor appeared to be in a state of construction and there were some building materials and building rubble within the appeal site. For the avoidance of doubt, as an Inspector dealing with a s78 appeal, it is not my role to establish whether any works at the appeal site have been lawfully undertaken – that is a matter for the main parties to resolve. I have considered the application as submitted.

Main Issue

3. The two reasons for refusal overlap to some degree and concern the effects of the proposal upon communal open space and within the wider site. Having regard to all the evidence before me, I consider the main issue is the effect of the proposal upon the living conditions of existing and future occupiers, with particular regard to private amenity space and levels of noise and disturbance.

Reasons

4. The appeal site is within an established residential area. Central Road largely comprises three storey semi-detached villa forms and the evidence indicates that the appeal building at Nos 37-39 (odds) was once a pair of semi-detached dwellings, now converted to apartments. The appeal building is given to comprise six apartments with two bedrooms and one apartment with one bedroom. The proposal would create two additional apartments at basement level, such that there would be 9 apartments in total, and the occupancy level would be increased by up to about 8 persons.

5. The Council contends that the area is one of low-density residential character, but this is not robustly demonstrated. Within the street, I saw numerous properties with basement floors in active residential use, including basement flats accessed from the street, from the side and some indicating access via the rear. On this basis, it seems to me that the proposal would not alter the residential character of the wider area, and the street does not feel 'low density' in terms of dwellings/apartments per hectare for example.
6. The dispute is largely founded on the effects of an increased level of occupancy within the appeal site, such that the Council considers that the proposal would result in an over-intensive use of the property. However, neither party has provided clear and compelling evidence as to the maximum occupancy level of the existing apartments. If each existing bedroom were of sufficient size to accommodate two persons, the existing maximum occupancy level could be up to about 26 persons. On this basis, the proposal could result in an overall occupancy level of about 34 persons. The fact of the matter is that on the evidence before me, I cannot be certain what the maximum level of occupancy might be, and whether such a level would represent over-intensification.
7. Existing occupiers can access a communal space (described as a rear yard) via the side spaces to the appeal building. Access to each basement apartment would be via a stairwell within the respective flank elevations. The proposed apartments would include windows/openings and lightwells to each elevation of the building, including two adjoining rear lightwells which would extend into the rear yard space. The rear yard would also accommodate additional waste/recycling bins and cycle stores to serve the proposed basement apartments, while existing occupiers would access existing bins at the frontage of the appeal site.
8. The depth of the rear yard is limited by an existing rear extension which appears to serve living areas/habitable rooms to ground floor apartments. The appellant suggests that the yard has no storage or other facilities currently located for the use of residents, and that there is no need for residents to access it on a regular basis to carry out day-to-day activities. However, during my visit, I saw two rotary driers, one of which was occupied by laundry for drying. The comments of interested parties occupying the building also indicate use of the rear yard, even though such use is given to have been limited by works undertaken by the appellant. I also saw other items stored in the yard under sheeting/cover (besides building materials), such that I was unable to ascertain what these items were. Unlike the adjacent apartments at No 41, there are no balcony spaces or Juliet windows serving the appeal building. Consequently, it seems to me that the rear yard provides the only immediate opportunity for existing occupiers to enjoy outdoor/private amenity space, and therefore it plays an important role in their health and wellbeing. This would also be the case for future occupiers of the proposed basement apartments.
9. Due to the shallow depth of the rear yard in combination with the creation of rear lightwells and the siting of bin storage and cycle storage, there would be a decrease in the quantity of usable private amenity space for existing occupiers. At the same time, there would be increased demands upon that space from future occupiers of the basement apartments. The decrease in usable private amenity space would diminish the enjoyment of the rear yard for existing occupiers. Furthermore, the use of rear yard for bin storage and cycle storage by future occupiers would undermine the peaceful enjoyment of that space, and in my view,

the presence of occupiers in the rear garden and any domestic paraphernalia could obstruct access to the cycle and/or bin stores.

10. In the absence of any clear and compelling evidence on maximum occupancy levels, it seems to me that the proposal fails to demonstrate that there would be sufficient private amenity space for existing and future occupiers at the appeal site. This conflicts with paragraph 135 of the National Planning Policy Framework (the Framework), which seeks to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
11. The proposal would result in additional comings and goings as future occupiers enter and leave their apartments via the side entrances. Further comings and goings would take place to and from the proposed rear bin and cycle stores as future occupiers deposit their waste and/or recycling; move their bins to facilitate kerbside collection; and to retrieve or park cycles. Other comings and goings would likely arise from visitors, deliveries and to enjoy the rear yard.
12. I have not been provided with floor plans for the existing apartments. My own observations indicate that there are windows serving habitable rooms along the rear and flank elevations of the appeal building. Movements to and from the rear yard would therefore occur in proximity to windows serving habitable rooms at any time of the day or night, depending on the lifestyles of future occupiers. This would result in increased levels of noise and disturbance compared to the existing situation, and existing occupiers enjoying the rear yard would also be subject to increased levels of noise and/or disturbance by such movements. In addition, the movements of existing occupiers to and from the rear yard could similarly disturb future occupiers in habitable rooms.
13. While the additional movements would not be of such magnitude to be a noise nuisance, the additional comings and goings would result in increased levels of noise and disturbance to existing occupiers, including within the rear yard, which would unacceptably diminish their residential amenity.
14. The appellant draws my attention to other properties within the street with basement apartments at Nos 25-33 (odds) and Nos 49-51 (odds). The full circumstances which led to these developments are not before me, but the appellant's evidence includes basement floor plans. Since one or both of these developments obtained planning permission, the development plan has changed, notably by the adoption of the Council's Core Strategy 2012 (CS), and the Places for Everyone Joint Development Plan Document 2024 (PfE). Further revisions have been also made to the Framework. I accept that the examples appear to have once been semi-detached villa forms, similar to the appeal building, and some of the present development plan policies were in place at the time those permissions were granted. However, this does not set aside the need to consider each application on its merits.
15. Moreover, the Council's evidence indicates that Nos 49-51 comprise four flats, which is significantly less than the number of existing and total proposed apartments at the appeal site. There is no substantive evidence before me to demonstrate the number of flats at Nos 25-33, nor the maximum occupancy level at either of these developments. In addition, there appears to be a car parking area to the rear of Nos 25-33, where some degree of noise and disturbance from

movements including by vehicles might be expected, and the appeal site lacks this feature. Consequently, I do not consider the examples to be directly comparable to that before me.

16. In reaching my findings I accept that further comings and goings would be in the context of an urban area where apartments are not an uncommon form of development, and there are other flats in the street, including those in basements with side entrances. However, based on the evidence before me which is without clarity on maximum occupancy levels and the internal layout of existing apartments, and in combination with the proposed layout of the appeal site, I am not satisfied that the appeal proposal is directly comparable to other developments with basement apartments within the area.
17. For the reasons above, I conclude that the proposal fails to demonstrate that it would not unacceptably harm the living conditions of existing and future occupiers, with particular regard to private amenity space and levels of noise and disturbance. It conflicts with CS Policies SP1, DM1 and EN1, Saved Policies DC1, DC5 and DC26 of the Unitary Development Plan for the City of Manchester 1995, and PfE Policies JP-Strat9, JP-S1 and JP-P1. Taken together, and among other things, these policies seek to ensure that all development contributes positively to sustainable development and sustainable places through high quality design and the application of urban design principles in order to create beautiful and healthy places, including by using suitable previously developed land, by fully realising opportunities for good design with high standards of amenity for residents, including through the provision of adequate private amenity space and by minimising noise impacts.
18. The Council considers that conflict with PfE Policy JP-S6 arises as this policy encourages efficient land use without compromising amenity. However, the policy wording details measures to achieve a circular economy and a zero-waste economy by (among other things) the development and implementation of the Zero Waste Strategy, protecting waste management infrastructure and using sustainable design and construction techniques to reduce carbon emissions. I therefore find no conflict with this policy.

Other Matters

19. The proposal would support the Government's objective to significantly boost the supply of homes, even though 2 units would be a small contribution. Although the proposal would support the efficient use of land, such support is not unfettered, as the Framework also requires the importance of securing well-designed, attractive and healthy places to be taken into account. Temporary economic benefits would arise during the construction phase, with permanent benefits thereafter through additional household expenditure. These matters attract weight in favour of the scheme, but they would not outweigh the fact that the proposal fails to demonstrate that it would not unacceptably harm the living conditions of existing occupiers.
20. The appellant suggests that the provision of bin storage and cycle storage would be a betterment to existing arrangements. This appears to be in relation to the fact that existing occupiers access bins within the frontage and have no secure cycle storage. However, the proposed bin storage and cycle parking are policy

requirements for the proposed basement apartments, and not for a benefit as such. Therefore, this matter attracts no weight for or against the proposal.

21. Interested parties occupying the existing apartments raise concerns regarding the effect of basement works upon their properties. As set out in my preliminary matters, whether any such works have lawfully taken place is not a matter for me to consider in this appeal. In addition, these are largely civil matters and/or the subject of other regulatory regimes, and do not affect my consideration of the planning merits of the scheme. I am mindful of the potential effects of basement construction works on the health and well-being of existing occupiers of the appeal building and neighbouring occupiers. If I were to allow the appeal, it would be reasonable and necessary to impose a condition to require a construction and environmental management plan to control the construction phase.
22. Further concerns are raised regarding parking demand arising from the proposal. However, the appeal site is within an accessible location, and there is no compelling evidence of any parking stress in the area, nor any objection by the local highway authority. The Council's Officer Report (OR) for the appealed application indicates no highway safety or capacity concerns. I find no reason to consider otherwise.
23. The Council's submissions draw attention to concerns about security and natural surveillance raised by Greater Manchester Police and secure bin storage. Such concerns were not expressed in the reasons for refusal, and the Council's OR indicates gated access, burglary resistant access and secure bin storage could be implemented. On this basis, such matters could be reasonably addressed by conditions.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR