

Planning

Growth & Development

Delegated officer report for planning application

Application no. 131442/FO/2021

Date registered valid: 19 August 2021

Proposal: Change of use from single dwellinghouse (Use Class C3a) to two self contained flats (Use Class C3a)

Address: 15 Waverley Road, Manchester, M9 4LX

Ward(s): Harpurhey Ward

Applicant: Mr Dean Bryan Brentwood Lettings 364 Moston Lane , Manchester, M40 9JS

Agent (if any): Mr Christopher Marsden Plans 2 Extend Ltd The Print Centre , Johnson Street, Atherton, M46 0RB

Case officer: Janine Renshaw-Livesey
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Recommendation: Refuse

Date of recommendation: 13 October 2021

Application details

Type of application: Full Application Consent

Development type: Minor Other

Date of site visit:

Standard consultations:

Printed: 31 August 2021 Expired: 21 September 2021

Neighbour notifications

Printed: 31 August 2021 Expired: 21 September 2021

Site notice

No site notice has been produced

Press advert

No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

Listed building: Not applicable

Conservation area: No

Tree Preservation Order: No

The application site relates to a, two storey, end terrace property incorporating a small rear yard enclosed by a brick garden wall.

The property forms the end property within row of terraced properties. And is bound by Waverley Road and Springville Avenue.

Description of area

The immediate area is predominantly residential in character, comprising of a combination of family dwelling houses, including terraced and semi-detached properties.

Description of development

Planning permission is sought to convert the existing dwelling house into 2 residential units comprising of 2 flats.

Access to the ground floor flat is accessed from the existing front door facing Waverley Road and the first floor flats is accessed from the existing side door from within the rear garden via the side gate facing Springville Avenue. The refuse storage area and cycle anchor points are situated within the rear garden area, which is bound by a robust brick boundary treatment.

The national space standards recommend that flats with an occupancy of two people within a two storey building should have a floor space measuring 79 metres squared. The proposed flats provide under less than half the size as set out within the national guidance.

Consultations & Notification Responses

Local Residents/Occupiers -raised no objection to the proposal.

Highway Services -made the observation in relation to the proposal that comparison to the former use, the level of trips generated is not anticipated to be dissimilar and as such no highways concerns are expected. There is no on-site car parking associated with the development and as such, all vehicular demands associated with the site are anticipated to contribute to the level of vehicles parked on-street. Furthermore, should the proposal be supported. It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600 mm upwards to ensure adequate visual permeability for child pedestrians.

Environmental Health - We have no objections to the above application; the proposed waste management strategy is acceptable.

Greater Manchester Police (Design for Security)- Recommended security measure to be incorporated into the proposal.

Issues

Policy

Local Development Framework

The principal document within the framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 - 2027.

'The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have also been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must therefore be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents.'

The following policies within the Core Strategy are considered relevant:

Policy T2 (Accessible Areas of Opportunity and Need) requires that adequate car parking is provided for new developments. The Council will take the circumstances of each proposal into account to establish what level of parking is appropriate.

Policy H3 (North Manchester) states that North Manchester, over the lifetime of the Core Strategy, will accommodate around 20% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. High density housing will be permitted within or adjacent to the parts of North Manchester that fall within the Regional Centre (Strangeways and Collyhurst area) and within Cheetham Hill and

Harpurhey district centres as part of mixed-use schemes as well as along high frequency public transport routes.

Policy SP1 (Spatial Principles) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

In addition to the above, the following saved policies of the Unitary Development Plan are considered relevant:

Saved Policy DC5 (Flat Conversions) - The Council will have regard to the standard of accommodation, the effects upon adjoining occupiers, the adequacy of car parking, the general effects upon the character of the neighbourhood, access arrangements, refuse storage and private outdoor amenity space.

Saved policy DC26 (Noise) of the UDP states that the Council intends to use the development control process to reduce the impact of noise on people living and working in the City. In particular, consideration will be given to the effect of new development proposals which are likely to be generators of noise.

The Guide to Development in Manchester (SPD) (2007)

The Guide to Development in Manchester is a supplementary planning document which contains core principles to guide developers. The document offers design advice and sets out the City Council's aspirations and vision for future development and contains core principles to guide developers to produce high quality and inclusive design. The principles that development should seek to achieve, include, character and context, continuity, and enclosure, ease of movement, quality of the public realm, diversity, legibility and adaptability.

Manchester Residential Quality Guidance (2016)

The City Council's Executive has endorsed the Manchester Residential Quality Guidance. As such, the document is now a material planning consideration in the determination of planning applications and weight should be given to this document in decision making.

The purpose of the document is to outline the consideration, qualities and opportunities that will help to deliver high quality residential development as part of successful and sustainable neighbourhoods across Manchester. Above all the guidance seeks to ensure that Manchester can become a City of high quality residential neighbourhood and a place for everyone to live.

The document outlines nine components that combine to deliver high quality residential development, and through safe, inviting neighbourhoods where people want to live. These nine components are as follows:

Make it Manchester;
Make it bring people together;
Make it animate street and spaces;
Make it easy to get around;
Make it work with the landscape;
Make it practical;
Make it future proof;
Make it a home; and
Make it happen.

National Planning Policy Framework

The central theme to the revised NPPF is to achieve sustainable development. The Government states that there are three dimensions to sustainable development: an economic role, a social role and an environmental role.

Section 4 provides guidance on the decision making process and mirrors legislation in stating that planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

Section 5 refers to the need to deliver a sufficient supply of homes and states that strategic policies should be informed by a local need assessment and the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Of particular relevance, Paragraph 127 states:

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and 39
- f) 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; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 goes on to state that:

'Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents'.

Principle

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise

In the case of this application, the principle of the proposed is not considered acceptable and is in conflict with the aforementioned development plan policy and associated guidance.

It is considered that the proposed flat conversion would result in the loss of family sized accommodation, in an area where it is desirable to retain such properties, so to contribute to the Council's housing supply.

It is also maintained that the proposed number of units would lead to the over intensive use of the property and would lead to problems associated with increased levels of activity, such as noise, disturbance, waste storage demands, and car parking demands. Moreover, the loss of the rear garden would also lead to the property lacking any amenity space and its replacement with bin storage would fail to respect the character of the area, whilst creating potential amenity issues for neighbouring occupiers.

On this basis, the proposal is considered to conflict with policies DM1, EN3, T2, and SP1 of the Manchester Core Strategy, saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, The Guide to Development in Manchester (SPD) and the National Planning Policy Framework (NPPF). There are no material considerations to indicate otherwise.

The principal issues are outlined further below.

Loss of Family House

Policy H3 of the Core Strategy seeks to guide new residential development. It states that in north Manchester priority will be given to family housing and other high value, high quality development where this can be sustained.

An important policy objective of the City Council is to improve the quality of housing stock in the City and to deliver a more sustainable housing market. This can be achieved by increasing the amount of family housing stock on offer and by providing for choice through a range of accommodation. This would allow for more balanced and cohesive neighbourhoods that provide for stronger and safer communities.

The supporting narrative to Policy H3 states that The Housing Need and Demand Assessment 2010 shows there is a need for 3-4 bedroom family housing and a need to retain graduates and provide a housing offer accessible to the "excluded middle market" (defined as those households on low or average income who cannot acquire a mortgage for a suitable family house).

The loss of another family sized house in area and its replacement with flats would conflict with this aspiration and increase the threat of existing families being driven out of the area or from being attracted to the area due to a shortage of appropriate accommodation.

The Council introduced Policy H3 on the basis that there is specific need for accommodation of the type subject to this application. It is considered that based on unmet demand for houses from families placed on the social housing register, there is a clear need for family sized accommodation, as evidenced in recent appeal decisions. On this basis, adopted policy should be given greater weight in order to protect the supply of family accommodation in the area and to control the loss of such housing.

Residential Amenity

Saved policy DC5 of the UDP states that for proposals involving flat conversions, the Council will have regard to the standard of accommodation and the effects upon adjoining occupiers.

Policies DM1 and SP1 of the Core Strategy indicate further, that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents, whilst saved policy DC26 of the UDP looks to consider the effect of new development proposals which are likely to be generators of noise.

In this case, it is not inconceivable that the proposed flats could support up to 4 individuals if the units are occupied by couples.

The addition of further occupiers with independent lifestyles and differing pattern of behaviour in contrast to traditional family occupancy, would lead to an increase in pedestrian and vehicular activity at the site, with the potential to cause unsatisfactory levels of noise and disturbance. The increased comings and goings would serve to have a negative impact upon the living conditions of neighbouring residential occupiers to the detriment of their amenity.

In addition, the proposal does not include any amenity space for prospective occupiers. The Guide to Development in Manchester (SPD) states that all new development should be designed to provide on-site amenity space which is fit for purpose and which is informed by, and relates to, the character of the area.

The proposed layout does not include any amenity space whatsoever which is indicative of over development.

Occupiers should reasonably be expected to be afforded some level of amenity space to provide some relief from the indoors. This proposal fails in this regard and would not offer a satisfactory level of accommodation.

The flats would also create the need for additional bins. 3 bins for each flat would result in a demand for 6 receptacles. These are shown on the submitted layout plan as being lined up within the rear garden area.

Aside from the disturbance caused by multiple bin movements, the strong likelihood of the bins being left unmanaged, would result in bins strewn around the property. This would create a cluttered, unattractive frontage impact which would be harmful to the character and appearance of the area and the visual amenity of neighbouring occupiers.

Impact on the Highway

Policy T2 states that all new development should make appropriate provision for off-street parking. This is echoed by both saved policy DC5 of the UDP and policy DM1 of the Core Strategy which refer to the need for new development to provide adequate parking provision and consideration be given to traffic generation and road safety, as well as the living conditions and well-being of residents.

Apart from a number of bins within the rear garden there is no space for onsite car parking provision at the property and the existing property already suffers from no off-road parking and adjoining roads suffer from a high demand for on-street parking, given the amount of terraced properties within the area.

Notwithstanding the accessible location of the site, car ownership cannot be precluded. The increased occupancy of the property would undoubtedly lead to increased competition for on-street parking spaces. This in turn could cause localised congestion and competition for parking spaces, to the detriment of highway users and neighbouring occupiers.

Appeal Decisions relevant to this Application

Appeal Ref: APP/B4215/W/19/3225492 9 Daisy Avenue, Manchester M13 0LY

- 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 Nik Taylor against the decision of Manchester City Council.
- The application Ref 120828/FO/2018, dated 14 August 2018, was refused by notice dated 19 February 2019.
- The development proposed is conversion of existing three bedroom dwelling to one x 3 bedroom dwelling and one x 1 bedroom dwelling. (a) whether the proposal would provide acceptable living conditions for future occupants, with particular regard to internal and external space; and (b) the effect of the proposal on the range of housing provision, with particular regard to family accommodation.

Living conditions

3. The upper flat is described as having internal space of between 81.2 and 93 sqm, comprising three double bedrooms. Consequently, the flat is able to accommodate six persons over two floors. Both the emerging local standards and national standards have been cited as offering relevant guidance, and both advise greater floor area (102 sqm) than is provided. Notwithstanding non-compliance with such guidance, my observations of the second-floor attic living accommodation of the upper flat are that the arrangement and layout of the internal space, combined with relatively restricted heights and outlook, would provide awkward and cramped habitable living space for six persons or for a family. As such, harm would be caused to the living conditions of future occupants, in terms of internal space.

4. Provision of adequately sized external space for the appeal proposal is limited by the already small garden associated with the existing dwelling. The proposal shows retention of at least some of that space. Whilst the appellant has

indicated that the side garden had previously been unusable, the proposed use of the garden by occupants of the upper flat would, by virtue of proximity to a ground

floor bedroom, potentially cause harm to the living conditions of the ground floor flat, in terms of noise and privacy. As such, I find that the appeal proposal fails to provide appropriate usable external space, particularly for family accommodation.

5. Reference is made to standards applied to a previous planning permission at Miles Platting. Whilst I have not been provided with full details, it appears none of those units related to three-bedroom, six-person units, as is the case in this appeal. Notwithstanding this, I must determine the appeal proposal on its merits. Reference is also made to noise transference from the upper flat to the lower flat, however, I find that in normal circumstances it would be unlikely for a bedroom use above a living room and kitchen to create such noise that it would harm living conditions.

6. Consequently, the appeal proposal would not provide acceptable living conditions for future occupants, with particular regard to internal and external space. As such, the proposal fails to comply with policies SP1, H1, and DM1 of the Manchester City Council Core Strategy, saved policy DC5 of the Unitary Development Plan for the City of Manchester, the draft Manchester Residential Quality Guidance, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, and the National Planning Policy Framework, which together require high design quality that serves the needs of intended occupants, amongst other considerations.

Housing provision

7. The appeal site is a two-storey semi-detached dwelling within a small avenue of similarly sized family dwellings. The site is identified as being within Rusholme, Central Manchester. Whilst there may be flats and apartments within the wider locality, from my observations on site, Daisy Avenue is predominantly if not exclusively comprised of family sized dwellings. The proposal would result in the loss of one family sized dwellinghouse, and provision of one one-bed and one three-bed flats.

8. The Council's policies encourage a mixed and diverse community by retaining or attracting economically active households to central Manchester, with an emphasis on increasing the provision of family housing. As a consequence, Policy H5 of the Core Strategy requires that priority will be given to family housing, amongst other considerations. The appellant's view is that the proposed three-bedroom flat should be considered as family housing. However, notwithstanding the number of bedrooms provided, as a result of my above findings on living conditions and internal and external space, the particular configuration of the appeal proposal does not readily lend itself to suitable family accommodation, whereas the existing dwelling does. Accordingly, the proposal would result in loss of a unit suitable for family accommodation. Furthermore, that loss would be within a street where flat conversions are not a predominant or established feature.

9. Whilst the appellant has referred to support for the proposal from various sections of the Framework, I find that, when assessing the proposal against the Framework as a whole, and with particular regard to the three overarching objectives outlined in Chapter 2, the proposal would result in harm being caused to the social objective of supporting strong vibrant communities by ensuring that a sufficient range of houses can be provided. This is not outweighed by the provision of a single unit of housing and any associated economic benefits, which would be limited.

10. On this basis, I find that the proposal would have a significant adverse effect on the range of housing provision, with particular regard to family accommodation. Therefore, the proposal conflicts with policies SP1, H1 and H5 of the Manchester City Council Core Strategy, saved policy DC5 of the Unitary Development Plan for the City of Manchester, the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, and the National Planning Policy Framework, which together seek to improve the range of housing provision, amongst other matters.

Other matters

11. The appellant has made submissions regarding shortfall in five year housing supply, but no evidence has been provided to me by either party on the level or significance of the shortfall. However, even if there is a shortfall in five year supply and that the most important policies for determining the proposal should be considered out-of-date, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, as I have found above.

12. I have taken into account all other matters raised, including the general improvement in appearance of the property; accessibility to transport, employment and services; parking; the higher value of the development; waste provision; cycle provision; landscaping; effective use of previously developed land; the sustainability of the location and the development; provision of family sized flats elsewhere; speedy delivery of a new home; and the residential context of the proposal. However, none of these matters are determinative such that they would outweigh my above findings on the main issues.

Conclusion

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

Appeal Ref: APP/B4215/W/19/3242928 10 Birch Polygon, Manchester M14 5HX

- 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 Ms Alesha Khan against the decision of Manchester City Council.

- The application Ref 125065/FO/2019, dated 4 October 2019, was refused by notice dated 4 December 2019.

- The development proposed is conversion of single family dwelling to form a total of 4 self contained apartments. Works to include new dormers in roof at the front of the property.

properties within the street, including No.10, exhibit a considerable amount of character. The dormer windows proposed in relation to the appeal scheme would be excessively wide and set in only slightly from eaves level. This would result in them having a large and overly bulky appearance which would dominate the front roof slope of the property to the detriment of the appearance of the property and the character of the area.

6. Whilst my attention has been drawn to existing box style dormers in the street, they appear to be of some age and limited details have been supplied. I am unaware of the circumstances under which these may have been deemed acceptable and their presence does not justify the dormer windows proposed.

7. The appeal scheme would therefore fail to accord with Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012) (CS) which require amongst other things that development enhances or creates character and is appropriate in scale, form and massing.

8. It is proposed to locate 4 parking spaces to the rear of the property which would be accessed via a driveway to the side. Although the access along the driveway would not be of excessive width, nothing within the evidence suggests that the resultant gap would restrict the spaces from being accessed. Although the evidence indicates that significant tree and shrub clearance has occurred, the spaces would

be tucked to the rear so that they would not have any significant impact on the character of the neighbourhood and were I minded to allow the appeal it would be possible to require a landscaping scheme via condition. Therefore, with regard to this particular matter, the proposal would not conflict with Policies SP1 or DM1 of the CS nor saved Policy DC 5.1 of The Unitary Development Plan for the City of Manchester (UDP) (1995) which amongst other things seek to limit the effects of flat conversions on the character of neighbourhoods.

Living conditions

9. The proposal relates to the provision of four 2-bedroom flats. The evidence indicates that these would be 4 person flats. The guidance¹ notes that the quality of space and light available within a property can have a profound impact on a resident's experience and suggests that this type of dwelling should have a floorspace of 70m². This is a minimum, which developers are encouraged to exceed. Three of the four flats would have a floorspace well below this level. The only flat which would meet these requirements would be that in the basement. However, this would likely be an extremely dark and gloomy space as in the main it would only be served by a limited number of slender windows at high level. Its entrance would be set to the rear of the building in a secluded position. This would not enhance either the street environment or the experience of residents.

10. I therefore conclude on this issue that the appeal proposal would result in cramped accommodation partly lacking in natural light which would not be the high-quality housing that is sought. Consequently, the flats would fail to provide suitable living conditions for future occupiers.

11. The appeal proposal would therefore be contrary to Policies SP1, H1 and DM1 of the CS which amongst other things require well designed development which would make a positive contribution to the health, safety and wellbeing of residents, Policy DC5 of the UDP where it requires regard to be had to the standard of accommodation for future occupiers in relation to flat conversions as well as the guidance and the SPD² which have similar aims.

Family housing

12. Whilst the evidence and my observations on site indicated that flats and apartments are common within the locality, so too are family sized dwellings. Although the property appears to have been subject to a period of dis-use the evidence suggests that it was in use as a single dwelling until it was vacated. The proposal would result in the loss of a larger family sized dwellinghouse.

13. The Council's policies encourage a mixed and diverse community through retaining or attracting economically active households to central Manchester, with an emphasis on increasing the provision of family housing. As a result of my above findings on living conditions, the particular configuration of the appeal proposal does not readily lend itself to being family accommodation, whereas the existing dwelling, while large in size, could. Accordingly, the proposal would result in the loss of a unit that could be suitable for family accommodation.

14. The appellant suggests that this is not an area where families requiring such a dwelling would want to live and that there is subsequently very little demand for a larger family dwelling in this location. However, very limited evidence has been supplied to justify this position and I can only therefore afford this matter limited weight.

15. I conclude on this issue that the proposal would have a significant adverse effect on the range of housing provision, with particular regard to family accommodation. Therefore, the proposal would conflict with policies SP1, H1, H5 and DM1 of the CS and guidance within the SPD which has similar aims.

Other Matters

16. I note that the development would provide off street parking, cycle and bin storage, although these are neutral factors. The evidence indicates that the property was in extremely poor condition prior to being taken on by the current owner. While the renovation of the property as a result of this proposal would have clear benefits, these would not outweigh the significant harm that I have identified.

While concern has been raised in relation to communication with the Council, little information has been supplied and I afford this matter limited weight.

Conclusion

17. Taking all matters into account, the appeal should be dismissed.

Appeal Ref: APP/B4215/W/17/3168096

20 Bosley Avenue, Withington, Manchester M20 1BQ

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 Aram Homayouni against the decision of Manchester City Council.

The application Ref 114021/FO/2016, dated 22 September 2016, was refused by notice dated 17 November 2016.

The development proposed is 'conversion from dwellinghouse into 2No. two bedroom self-contained flats with two storey side and part single storey, part two storey rear extension'.

5. Policy SP1 of Manchester's Local Development Framework Core Strategy (CS), adopted July 2012, provides key spatial principles which, amongst other things, emphasise the creation of neighbourhoods of choice outside of the regional centre. Policy H1 of the CS is focussed upon overall housing provision within Manchester and indicates that new housing will be predominantly in the North, East, City Centre and Central Manchester, which consist of the regional centre and inner areas. The policy indicates that outside of the inner areas, the emphasis will be upon increasing the availability of family housing, therefore lower densities may be appropriate.

6. South Manchester lies outside of the inner areas, where Policy H1 is supplemented by Policy H6 of the CS. This policy, amongst other things, states that high density development in South Manchester will generally only be appropriate within a number of listed district centres, including Withington, as part of mixed-use schemes. Outside of district centres priorities will be for housing which meets identified shortfalls, including family housing. The supporting text suggests that it is important to increase housing choice by adding to the stock of larger housing units to complement new housing or higher value sites to retain or attract high income areas by releasing under-occupied housing.

7. The proposal seeks conversion of an existing 3-bedroom family house into two self-contained 2-bedroom flats. The proposed development would result in the loss of a single family dwellinghouse and replacement with higher density flats outside of a district centre. The 2-bedroom flats would be less suitable for occupation by families. The Council have provided evidence that the appeal property is subject to an Article 4 direction removing permitted development rights for changes of use to a House in Multiple Occupation (HMO). With that in mind, although Policies H1 and H6 of the CS do not include a specific presumption against the loss of family homes in South Manchester, it reasonably follows from policies seeking to increase the availability of family housing in the locality that the loss of existing family housing should be avoided where possible.

8. There is no specific policy requirement to demonstrate that the appeal property is unsuitable as a family home. Furthermore, there are existing flats nearby on Bosley Avenue, which prevents specific conflict with Saved Policy

DC5.4 of the Unitary Development Plan for the City of Manchester (UDP), adopted July 1995, with respect to the character of the street. Nevertheless, given the proximity of the appeal property to other family housing in Bosley Avenue and its existing layout, I am not satisfied that it is no longer suitable as a family home or that the presence of nearby flats justifies the harm arising from its loss. The harmful effect of the loss of housing suitable for families is also not outweighed by the potential increase in housing supply arising from the provision of 2 flats comprising less than 3 bedrooms.

9. I conclude that the development would have a harmful effect upon the supply of housing suitable for family occupation in the area. The proposal would, therefore, conflict with Policies SP1, H1 and H6 of the CS. The policies are consistent with the National Planning Policy Framework (the Framework).

Living conditions - neighbouring properties

10. Policy DM1 of the CS, amongst other things, requires regard to specific issues such as impact on the surrounding area in terms of the design, scale and

appearance of the proposed development and effects on amenity. These considerations relate to the living conditions of occupiers of neighbouring properties and are consistent with the core planning principle of the Framework which seeks a good standard of amenity for all existing and future occupants of land and buildings.

11. Nos. 16 and 18 are flats within an end terrace property located to the side of the appeal property. The front building line of Nos. 16 and 18, together with its adjoining terraced row, are significantly set back from the front building line of No 20. As a consequence, the side gable of No 20 already has an overbearing effect on the windows in the front elevation of Nos. 16 and 18. The existing arrangement also causes some overshadowing of the habitable windows in the front elevation of Nos. 16 and 18 for periods of the day, due to their south eastern aspect and the relative position of No 20 to the south.

12. The proposal includes a two storey extension to the rear of No 20, which would extend to the side up to the common boundary with Nos. 16 and 18. A significant proportion of the extension would project forward of the front building line of Nos. 16 and 18 due to its set back position. Consequently, the resultant scale, bulk and massing of the extension would be visible from the habitable windows in the front elevation of Nos. 16 and 18 in closer proximity than the existing side gable of No 20. This would result in an increased sense of enclosure and overbearing effect upon Nos. 16 and 18, together with a further loss of light to the habitable windows in the front elevation for some periods of each day. These harmful effects would have a detrimental impact upon the living conditions of occupiers of Nos. 16 and 18.

13. The appellant has drawn to my attention that alternative extensions and outbuildings could be erected without the need for planning permission. Be that as it may, to my mind any such extension or outbuilding would be less harmful to the living conditions of occupiers of Nos. 16 and 18 than the proposal before me.

14. An absence of facing windows towards Nos. 16 and 18 would prevent any privacy concerns and such arrangements could be maintained by condition if the appeal were allowed. The two storey rear extension is also set in from the common boundary with No 22 Bosley Avenue (No 22) and therefore, would not have an adverse effect upon the outlook from the windows in the rear elevation of that property. A single storey element would be located closer to the common boundary with No 22, which although of significant depth would have a monopitch roof design that would ensure a reduced bulk and massing at its furthest extent. This would prevent any overbearing effect or harmful sense of enclosure upon the ground floor windows in the rear elevation of No 22 and its rear garden. The absence of facing windows towards No 22 would prevent

overlooking and loss of privacy to that property. However, the absence of concern in those respects is a neutral factor which does not justify the harm otherwise identified.

15. The conversion of a 3 bedroom house to two 2-bedroom flats would retain a similar external appearance to the existing dwelling, albeit extended if the appeal were to be allowed. The occupation of flats has the potential to increase general levels of activity associated to a building above that of a typical dwelling occupied by a single household. Nevertheless, given that the scale of development relates to conversion of an existing dwelling to 2 flats with only a moderate increase in floorspace proposed, any increase in activity and associated noise would not be significant. As a consequence, the proposal would not result in additional noise and disturbance to an extent that would be harmful to the living conditions of occupiers of the closest neighbouring properties at Nos. 16 and 18 and No 22. However, the absence of concern in that respect is also a neutral factor.

16. Having regard to all of the above, I conclude that the development would harm the living conditions of occupiers of Nos. 16 and 18 Bosley Avenue, due to the detrimental impact of the proposed extension upon their outlook. The proposal, therefore, conflicts with Policy DM1 of the CS and the Framework.

Other Matters

17. The development would have benefits in terms of an increase in housing supply as previously mentioned. There would also be economic benefits in terms of employment and the local supply chain during construction, together with support for local services once the flats were occupied. However, the benefits in those respects are limited by the scale of the development proposed and do not outweigh the harm identified.

18. The design and set back position of the extension would ensure that it does not have a harmful effect upon the character of the host property and the surrounding area. However, the absence of concern in that respect is a neutral factor.

Conclusion

19. For the reasons given above and taking all other matters into consideration, I conclude that this appeal should be dismissed.

Human Rights Act 1998 considerations

This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved policies of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation:

Article 35 Declaration

Officers have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. Officers have communicated their concerns about this proposal to the applicant during the course of the planning application, but these concerns have not been overcome. The proposal is considered to be contrary to the development plan and therefore refused in a timely manner.

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The proposed change of use to flats would lead to the loss of a family dwelling house and negatively impact on the supply of good-sized family accommodation in the area. This in turn would undermine the aim of achieving an appropriate balance of housing provision in the locality and the objective of achieving a sustainable and cohesive housing market and an area. The proposal is therefore contrary to the provisions of Policies H3, DM1 and SP1 of the Manchester Core Strategy.

2) The proposed conversion of the property to create 2 separate residential units would result in an over-intensive use of the property. The consequential increase in the level of occupation, would facilitate increased comings and goings, noise, disturbance, demand for waste storage, demand for on-street parking and lack of amenity space. This would be harmful to the amenity and living conditions of neighbouring residential occupiers, contrary to saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, policies DM1, T2, and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

Appendix 1 – List of consultees & neighbours notified

Highway Services
Environmental Health
Greater Manchester Police

24 Springville Avenue, Manchester, M9 4NA
18 Waverley Road, Manchester, M9 4LX
29 Springville Avenue, Manchester, M9 4NA
16 Waverley Road, Manchester, M9 4LX
22 Springville Avenue, Manchester, M9 4NA
20 Waverley Road, Manchester, M9 4LX
17 Waverley Road, Manchester, M9 4LX

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Aircraft Safeguarding Zone - Aircraft Safeguarding - Not Affected
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Historic Landfill Site 250m Buffer -
Historic Landfill Site 250m Buffer -
Area Team Boundary - Name: NORTH1