



Town planning and development



64 Broom Lane, Manchester, M19 2TG.

CONVERSION OF DWELLINGHOUSE INTO 2 SELF-CONTAINED FLATS (CLASS C3) WITH ASSOCIATED REAR ROOF DORMER



APPELLANT'S STATEMENT OF CASE

Submitted on behalf of Mr. Mohammad Abdu-Rahman

Our Ref: OTP2044
LPA Ref: 130140/FH/2021

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1.0 INTRODUCTION

1.1 My name is Paul Anthony Robinson. I am a Chartered Town Planner and a member of the RTPI since January 2001, having worked as a professional planner since September 1997. I have spent 15 years as a senior development management officer in the public sector and 10 years as director of Orbis town planning, providing expert planning consultancy services. I have been involved in many written appeals, hearings and public inquiries in that time.

1.2 This document forms the appellant's Appeal Statement in respect of an appeal against the decision of Manchester City Council (The LPA) to refuse planning permission for the conversion of a dwellinghouse into 2 self-contained flats (Class C3) with an associated rear roof dormer, at 64 Broom Lane, Manchester, M19 2TG.

1.3 The application was refused under delegated powers on 21st July 2021 with three reasons for refusal:

- 1) The conversion of this property into two flats will result in the loss of family accommodation, and the supply of accommodation suitable for families, as such the proposal will not contribute to a sustainable community, which will have a detrimental impact upon the character of the local area, which is contrary to guidance in the National Planning Policy Framework and the East Manchester Strategic Regeneration Framework, and, policies H1, H5, H11, SP1 and DM1 of the Manchester Core Strategy.***
- 2) The conversion of this property into two flats fails to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the lack of provision of accessible private external amenity space for the occupiers of both flats, which would cause unnecessary harm to the residential amenity of the proposed occupants of the building and would be detrimental to the character of the local area and would fail to maintain a sustainable community. For these reasons, the development is unacceptable and contrary to saved policy DC5 of the Unitary Development Plan for the City of Manchester and policies SP1,***

H1, H5, H11, T2 and DM1 of the Manchester Core Strategy, the East Manchester Strategic Regeneration Framework, the Guide to Development in Manchester Supplementary Planning Guide and Planning Document and the Manchester Residential Quality Guidance.

- 3) The conversion of this property into two flats would result in the over-intensive use of the site that creates an unacceptable increase in comings and goings in and around the site and increased demand for on-street parking in the vicinity of the site. It is therefore considered that the proposal has an unduly harmful impact on the residential amenity of neighbouring occupiers due to increased noise and disturbance and is detrimental to the character of the area in general. For these reasons, the development is considered to be overdevelopment and detrimental to residential amenity within the area, and therefore contrary to saved policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester and policies SP1, H1, T2 and DM1 of the Manchester Core Strategy.***

- 1.4 This Statement sets out the broader context of the appeal proposal and addresses the Council's reasons for refusal. It concludes that on every reason for refusal the appeal proposal is justified, it constitutes sustainable development in respect of the NPPF and planning permission should be granted for this development.

2.0 SITE AND SURROUNDING AREA

- 2.1 The appeal site is located at 64 Broom Lane, Burnage, in a largely suburban area in south Manchester.



Figure 1 – site location

- 2.2 The appeal site comprises a former two-storey end terrace house located on the corner of Broom Lane and Bowler Street. A two-storey outrigger is located to the rear whilst a single-storey lean-to is also located in the back yard. A partially hard-surfaced forecourt is located to the front, which forms a driveway to an existing garage to the side of the house. However, there is no crossover for access for this. The house backs onto an alleyway at the rear, though this is now gated, with access for residents only. The rear yard area is enclosed with a low, 1m wall and comprises an area of about 21m².



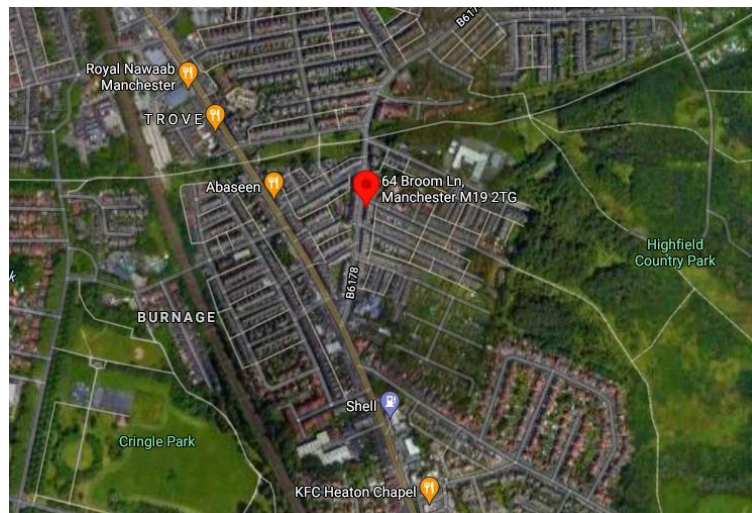
Property from Broom Lane



Rear of property from Bowler Street

2.3 The property has recently been converted into use as two separate flats having previously formed a three bedroom two-storey dwelling. The plans accompanying this appeal set out how the former dwelling and new layout are arranged.

2.4 The site is located about 150m to the east of Stockport Road, where a range of local shops are located, as well as bus routes heading north and south into and from Manchester and Stockport. The site is also located within easy walking distance of several large parks and open areas, including Highfield Country Park – a significant metropolitan open area and park about 80m to the east at the end of Bowler street, the Quadrant park to the north on the 'Fallowfield Loop', and Cringle park to the west. The site therefore has excellent access to open space and leisure facilities.



Extent of local open areas, parks and walks in relation to the appeal site

2.5 There are local parking restrictions immediately outside the property on Broom Lane and around the radius into Bowler Street. These prevent unauthorised parking weekdays 8.00am-6.30pm and 8.00am-5.00pm Saturdays. Otherwise there are no parking restrictions and in general, on-street parking is not at full capacity.

2.5 The site is not in a conservation area, is not or is close to any listed buildings, and the site is in Flood Zone 1 according to the Environment Agency's mapping.

3.0 PLANNING HISTORY

- 3.1 There is no formal planning history in connection with the appeal property however, prior to its conversion into flats, a rear dormer window was added to the building. In our view would have constituted permitted development under the GPDO, but in any case, whilst this forms a part of the description of development, the council has raised no issue with this element of the building.

4.0 PROPOSED DEVELOPMENT

- 4.1 The appeal proposal is retrospective and comprises an application to allow the conversion of the property into 2 flats, comprising a two-bedroom flat on the ground floor and a three-bedroom flat on the first and second floors (in a converted attic space). The schedule of accommodation is as follows:

	beds	Internal GIA
Ground Floor Flat	2	62m ² (not including garage)
Upper level Flat	3	81m ²

- 4.2 The ground floor flat would be accessed off Bowler Street and as such would have access to the rear yard area of some 21m² area. The upper level flat is accessed from Broom Lane and whilst the front and side areas are not enclosed with a privacy fence, this allows access to an open area of about 41m². A single parking space would be provided for the site, to be associated with the larger, upper level flat.

5.0 POLICY BACKGROUND

5.1 The relevant policy background for this submission includes at the National level, the NPPF (2021), NPPG, and local documents and policies together making up the Manchester Core Strategy and development plan.. The emerging Local Plan for Enfield has been out to consultation but is not expected to reach a stage of adoption until at least 2022. This includes suggested policies for the co-location of community-based uses with other, existing community uses and/or in town centres, but these remain to be tested under examination or in a practical sense, and in any case the emerging plan policies are not considered to carry significant weight in this appeal.

5.2 The NPPF

5.2.1 We feel the general status and principles set out in the NPPF will be well known to the Inspector and LPA. However, we feel it is important to highlight certain matters that are key to considering proposals such as the appeal cade here in the round.

5.2.2 The NPPF emphasises the Government's policy on sustainable development, stating that this is essentially made up of a combination of economic, social and environmental considerations. It states that the role of the planning system is to contribute to the achievement of sustainable development, and advises that development which accords with the development plan should be approved without delay. Local Authorities are advised to respond positively to opportunities for growth and should contribute to building a strong, responsive and competitive economy. Inter Alia, the NPPF advocates that LPAs seek to optimize the use of land without unacceptably harming issues of acknowledged importance, and also seek to create and protect mixed and balanced communities.

5.3 Relevant Local Planning Policies

5.3.1 The relevant policies of the Manchester Core Strategy are:

SP1 (Spatial Principles).

This sets out the key strategic principles for development in the city. This stresses that the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas. All development is required to have regard to the character, issues and strategy for each regeneration area as described in the area Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan. It states that the City's network of open spaces will provide all residents with good access to recreation opportunities. New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

It advises that all development in all parts of the City should make a positive contribution to neighbourhoods of choice including:- creating well designed places that enhance or create character; making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income; protect and enhance the built and natural environment; minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible; and, Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

H1 (Overall Housing Provision)

This sets out the housing provision for the city and amongst other matters, the type, size and tenure of the housing mix will be assessed on a site by site basis and be influenced by local housing need and economic viability. Outside the Inner Areas the emphasis will be on increasing the availability of family housing therefore lower densities may be appropriate.

H5 (Central Manchester)

This adds greater detail to the overall housing strategy and inter alia, Central Manchester, over the lifetime of the Core Strategy, will accommodate around 14% of new residential development. Priority will be given to family housing and other high value, high quality development where this can be sustained. Whilst there is an emphasis on family housing, policy H5 also seeks to diversify housing stock in mono-tenure areas, preserving and improving the quality of the existing housing stock and the management of areas where HMOs predominate.

H11 (Houses in Multiple Occupation)

As the name suggests this policy principally refers to HMOs and as such, since the current appeal proposal does not involve a HMO, the relevance of this policy is largely questioned. Notwithstanding, policy H11 also states that all proposals for conversion of existing properties into flats (which might not necessarily fall within Class C4), would be permitted only where the accommodation to be provided is of a high standard and where it will not materially harm the character of the area, having particular regard to the criteria in policy DM1.

DM1 (Development Management)

This states that all new developments should follow the 'Development Principles' and accord with the design guidance set out in the Supplementary Planning Documents. All development should have regard to a set of stated specific issues for which more detailed guidance may be given within a supplementary planning document. These include, consideration to appropriate siting, layout, scale, form, massing, materials and detail; impact on the surrounding areas in terms of the design, scale and appearance of the proposed development; effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation; accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes; community safety and crime prevention; design for health; and, the adequacy

of internal accommodation and external amenity space, refuse storage and collection.

T2 – (Accessible Areas of opportunity and need)

This states that the council will actively manage the pattern of development to ensure that new development is located to ensure good access to the City's main economic drivers, including the Regional Centre, the Oxford Road Universities and Hospitals and the Airport and to ensure good national and international connections; is easily accessible by walking, cycling and public transport; and, connects residents to jobs, centres, health, leisure, open space and educational opportunities. Particular priority will be given to providing all residents access to strategic employment sites

Relevant Saved UDP Policies

5.3.2 The following saved UDP policies are referred to in the council's decision notice:

DC5 (Flat Conversions)

This states that in determining planning applications to convert property to flats, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e. adequate private outdoor amenity space;

- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation); and,
- g. the satisfactory provision of refuse storage and collection facilities.

The policy states that there will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

Notwithstanding, policy DC5 also states that the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
- c. involve conversion schemes without adequate private external amenity space; and,
- d. are schemes without satisfactory refuse storage and collection facilities.

DC26 (DEVELOPMENT AND NOISE)

This states that the Council intends to use the development control process to reduce the impact of noise on people living and working in, or visiting, the City. In giving effect to this intention, the Council will consider both:

- a. the effect of new development proposals which are likely to be generators of noise; and,
- b. the implications of new development being exposed to existing noise sources which are effectively outside planning control.

6.0 PLANNING CONSIDERATIONS

- 6.1 The LPA issued three reasons in refusing the appeal application. Referring to these the matters to be addressed in this appeal are therefore:

- 1. *loss of family housing***
- 2. *The Quality or accommodation and amenities of future residents;***
and,
- 3. *Impact upon neighbouring amenity, highways and parking***

We deal with each reason below in order of issue.

Loss of family Housing

- 6.2 The appeal proposed involves the conversion of the former 3 bed house to two flats. The council's reasoning in refusing the proposal is that this would result in the loss of family accommodation, and the supply of accommodation suitable for families, and that this would not contribute to a sustainable community, which will have a detrimental impact upon the character of the local area.
- 6.3 In applying this approach, in this case the council appears to seek to adopt a blanket policy of resisting the conversion of any house that could be used as a family unit. Whilst we would accept that policies H1 and H5 of the Core Strategy does seek to prioritise family housing, these policies also seek to diversify housing stock in mono-tenure areas, preserving and improving the quality of the existing housing stock and the management of areas where HMOs predominate. Policy H1 also states that the type, size and tenure of the housing mix will be assessed on a site by site basis and be influenced by local housing need and economic viability.
- 6.4 In the case here, the area around the appeal site is essentially mixed in character. A review of planning applications and histories over the past 15 years reveals there has been few applications or approvals to convert family houses to flats, though there have been a number of approvals for the

conversion of former retail or commercial frontages into flats, and this is seen opposite the site on Broom Lane. However, on the east of Broom Lane from nos. 20 -36, and then 54-64, these properties remain as single family units. In between these, nos. 38-52 are largely commercial uses with flats above, or converted units into flats from former commercial uses. Opposite on the west of Broom Lane, family housing also predominates, other than a number of former commercial units that are now flats. Evidence would suggest housing on Bowler Street to the side of the appeal site remains in family units. The area is clearly mixed in character, and within this context, the introduction of additional flats would in no way appear out of character or context, and indeed, would likely be expected and promoted where a property faces a busy road and itself is in a sustainable location close to shops, facilities and transport links like this site is.

- 6.5 Furthermore, we would also argue that the appeal proposal here does not in fact result in the loss of a family unit. the development has reorganised the space here and provided a two bedroom flat as well as a three-bedroom unit. This has changed the type of family unit, but it still provides a family-sized unit of three bedrooms at the premises, as well as a further two bedroom unit in addition. This still provides a well-proportioned residential unit within the dwelling that would have a GIA of some 81sqm and provide a family sized dwelling of 3 bedrooms. The Technical Housing Standards – Nationally described space standards (and emerging Manchester Space Standards) suggest that a 3 bedroom, 4person dwelling should have an internal floor area of between 74m² and 84/87m², depending on whether this is laid out over a single floor over two floors. The larger unit here is set out over two floors, and so it marginally falls below the national standard here, but this is only by 3m². Nonetheless, the unit remains a well-proportioned unit with a good quality of accommodation and this marginal shortfall would not in our view render the unit as below standard on any other level. That being the case, the appeal proposal maintains a sizeable family unit on site and therefore this would not amount to a net reduction in family units.

- 6.6 Saved policy H5 is also referred to in the council's reasoning. In terms of the principle of whether to allow flat conversions, this does not specifically relate

to the loss of 'family housing' but rather, it states that there will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. It also states that flats will be particularly welcome where proposed schemes provide investment enabling the retention and improvement of housing stock.

- 6.7 Whilst saved policy DC5 sets out a number of criterion where flat conversions would normally be refused, these are largely functional matters that will be discussed in detail below. However, in the case here, the appeal site is sited on a main road frontage, which appears to have led to the creation of other flats in nearby properties and which therefore, would suggest that the retention of wholly family housing in the traditional form is less than ideal. The conversion has also attracted significant investment in this older property that has brought it up to a high standard that otherwise may not have been the case. In principle therefore, we submit that there is nothing extant in saved policy D5, or indeed, policies H1 and H5 of the Core Strategy, that would suggest that the loss of traditional family housing here would not be acceptable.

Quality or accommodation and amenities of future residents

- 6.8 Reason 2 of the council's refusal states that the proposal would fail to provide accommodation of a sufficient quality for future occupiers, particularly in respect of the lack of provision of accessible private external amenity space for the occupiers of both flats, which would cause unnecessary harm to the residential amenity of the proposed occupants of the building and would be detrimental to the character of the local area and would fail to maintain a sustainable community.
- 6.9 On matters of internal sizing, we have already set out that the proposal would provide accommodation that falls very marginally short of the nationally prescribed standards, and emerging Manchester standards. Since this equates to a shortfall of only 3m², we do not consider this sufficient to render

the units to be sub-standard, or sufficiently so as to warrant a refusal. The main reason cited here clearly refers to a lack of external amenity space for the proposed flats. However, in the case here the ground floor flat has direct access to a yard area of some 21m² in area. This is of course the same area that would have served the former 'family' dwelling. The upper floor flat would have access to the front garden area, which combined with the driveway would offer an area of some 40+ sqm. Whilst this would not perhaps offer the same privacy and usage as a rear garden area, it nonetheless offers an area of outside space that can be used for sitting out and activity, such as play or gardening. Notwithstanding, as set out in section 2 above, the appeal site is also located between three very extensive parks which offer local residents excellent access to both formal play and informal leisure space. Indeed, Highfield Country park is located less than 100m from the appeal site. In our view and within the overall planning balance, the proximity, accessibility to and extent of such expanses of high quality open space would clearly offer adequate mitigation against any perceived lack of traditional amenity space provided for the upper floor unit here.

Impact upon neighbouring amenity, highways and parking

- 6.10 The council's third reason claims that the conversion of this property will result in an over-intensive use of the site that creates an unacceptable increase in comings and goings in and around the site, and increased demand for on-street parking in the vicinity of the site, which in turn has an unduly harmful impact on the residential amenity of neighbouring occupiers due to increased noise and disturbance and is detrimental to the character of the area in general.
- 6.11 In the first instance we find the council's claims here to be somewhat difficult to rationalise. The appeal development is for two flats in place of a 3-bedroom family dwelling, located in a reasonably dense residential area where there are a number of flats, houses and some commercial premises located on a reasonably main road. The site is also on the corner of a street with directional signs to the popular Highfield Country Park and about 150m from the St. Andrews CE Primary School. The area already has a reasonable

level of activity and the conversion of and use of this property to two flats will clearly have no material impact upon general 'comings and goings' as stated in the council's reasoning, and certainly none that would lead to any adverse impacts. Likewise, the additional unit is unlikely to add significantly to on-street parking demand, given one space exists at the site and Broom Lane itself has parking restrictions in place that prevent on-street daytime parking 6 days of the week. As such, we would submit the council cannot justify this reason for refusal based on any real or perceived impacts.

7.0 SUMMARY

- 7.1 The appeal building provides two well-appointed flats in what was previously a three-bedroom dwelling house, in an area of mixed character, which includes both family homes, flats and HMO. The property has been extended with a rear roof dormer, and the accommodation significantly upgraded. The resulting flats still provide a three-bedroom unit that could be classed as a family unit, and whilst this falls marginally below the minimum size of a 3 bed, 4-person flat over two levels, the accommodation remains of high quality, with well-proportioned rooms and in this case, triple aspect accommodation. Similarly, whilst amenity space would take the form a rear yard and front garden, there is ample public open space that will serve residents of the new flats.
- 7.3 Functionally, the site provides a single parking space for use of the larger unit, and whilst any additional parking would need to take place on the street (where this is not subject to parking restrictions), there is not an excessive demand locally and as such it would be unlikely to lead to any adverse impacts.
- 7.4 On matters of amenity and the impact upon neighbours, we fail to see how the slight increase in intensity in the use of this property would lead to any measurable impacts in terms of noise and disturbance.

7.5 In light of the above we submit that the proposals represent sustainable development in accordance with the NPPF and adopted local policies. The proposals have upgraded an older residential property and repurposed them as two flats, whilst still providing a well-appointed family dwelling and optimising the capacity of this site, without having any adverse impacts. We therefore submit that there is no good reason to refuse planning permission for this well-considered scheme and we respectfully submit that this appeal succeeds.

End.

Paul Robinson BA(Hons) BPL MRTPI

Orbis town planning - August 2021