

GROUNDS OF APPEAL

Site Address: Flat 4 19 Clifton Avenue, Manchester M14 6UD

MCC reference 127329/FH/2020

Introduction

1. This Statement has been prepared on behalf of the Appellant, Mrs Janice Gilmartin, ('the appellant') and sets out the case for the insertion of rooflights to allow internal changes to change the studio flat to a two bedroom flat at the existing flat 4. ('the land').
2. At present 19 Clifton Avenue comprises four residential dwellings (four apartments), the lawful use of the property is as four apartments; this was confirmed with the positive certificate of lawful development granted in 2010 under reference 092650/LE/2010/S1 (copy enclosed).
3. The appellant wishes to insert six rooflights to the street facing roof slope of the front elevation. This will allow the roof void to the front of the property to accommodate two bedrooms. The development requiring planning permission is solely the insertion of the rooflights, not the conversion of internal roofspace. The repair and renovation to be undertaken will be done in a sympathetic way which will improve the property and would be suitable within the wider streetscene.
4. The appeal property is the top floor flat (number 4). Flat 4 comprises the existing studio bedroom self-contained flat which is to the rear of 19 Clifton Avenue. Flat 4 also comprises the large roof void attic space to the front of 19 Clifton Avenue. The rooflights to the front will allow natural light and ventilation into the space to make that space useable. The roof void would accommodate two bedrooms. The applicant made a variation to the proposed development during the processing of the application by Manchester City Council (MCC). The variation involved amending the layout of flat 4 from the submitted scheme (as submitted it included raised bed decks for the bedrooms) to a revised layout which instead created small bulk heads the lounge and kitchen to allow bedrooms with larger floor area bedrooms.

5. The amendment followed a suggestion by MCC who observed the floor areas had been too small. MCC also commented about the change from a one bedroom property to a two bedroom and that excessive comings and goings would result to the detriment of the amenity off occupiers of nearby property. The appellant is grateful for the opportunity to address the bedroom sizes and that MCC did not object to the room sizes when determining the application. The appellant does though feel that MCC did not review this case against other like cases. The appellant also feels that MCC did not pay due attention to recent appeal decisions from similar property, including the same building, where Planning Inspectors had considered the same objections from MCC, and allowed the appeals.

Main Issues

6. The reason for refusal alleges that the harm from the insertion of rooflights and change from a studio flat to a two bedroom flat would be harm to the detriment of the amenity of occupiers of surrounding property. The LPA do not specify what the harm to amenity will ensue or which surrounding properties would suffer the harm to amenity. The main issues appear to be whether or not the proposal will cause disturbance to neighbours and the significant improvement to the existing property which we suggest is also material to the social, environmental and economic conditions of the area.

The Proposal

7. The proposed rooflights are shown on the elevations by DPW Design and are to the front roofslope. The property is not listed and is not within a conservation area.
8. Internal works are also proposed which do not require planning permission; it is these works that will provide new internal space in the roof void to create a two bedroom flat. The works are shown on the amended plan, submitted on 10th August 2020, under DPW Design reference 946/01/A.

Relevant Planning History

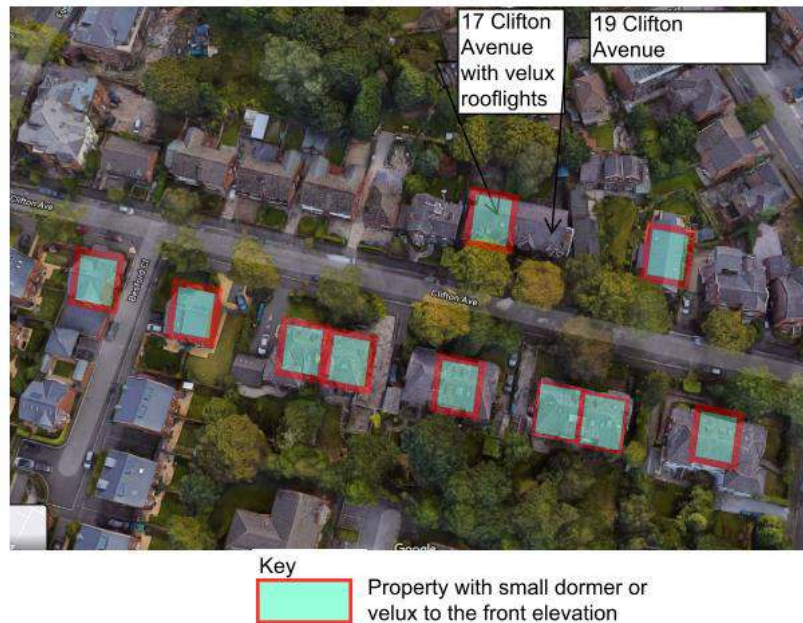
9. In 2010 a certificate of lawful development was approved for use of the property as four self contained flats under reference 092650/LE/2010/S1.
10. In 2014 a planning application was refused for extension for a new side staircase, new basement flat and external alterations (including new rooflights) and upgrade of all 4 flats. The plans included new rooflights and extension for new staircase (although the latter was not on the description) and extend flat 4 into the front roofspace. The reference is 104561/FO/2013/S1.

11. In addition MCC website also shows a refusal in 2013 for alterations to the building to have a external staircase to improve the internal space under reference 103460/FO/2013/S1
12. In 2015 a planning appeal was allowed under reference 106747/FO/2014/S1 (APP/B4215/W/15/3004916) for the conversion of basement of 19 Clifton Avenue into additional living accommodation in association with reconfiguration of existing flats to form 4 no. flats in total (no increase in number of flats) and associated elevational alterations to front. The LPA had claimed in the refusal that the proposal to add four bedrooms would lead to additional comings and goings detrimental to residential amenity of surrounding property.

The Site, Character Assessment and Sustainability

13. The application site is situated within a residential area close to the junction with Brook Road. As mentioned the property, 19 Clifton Avenue, is a semi-detached property and is a period buildings consisting of ground and two upper levels with basement. It has a front and rear garden.
14. Within close proximity of the site there are a mixture of property styles from a wide range of eras. Many of the older properties have had the benefit of having velux rooflights inserted with the benefit of planning permission. The image below shows an aerial view of the site and surrounding houses with velux rooflights noted.





15. There are many older properties along Clifton Avenue that have been converted to apartments and have benefited from external alterations. The shaded property above have small dormers or velux windows to the front elevations.
16. There is an existing bin storage area to the side front garden of 19 Clifton Avenue. We have visited the property and observed the bin storage area to be ordered as per the images below:

Bins outside 19 Clifton Avenue October 2020



Planning Appraisal

17. Policies SP1, DM1 and DC5 are of relevance for this case. Policy SP1 – Spatial Principles states: The key spatial principles which will guide the strategic development of Manchester to 2027 are (inter alia):

- Beyond these areas (*outside of the City Centre and The Airport*), 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 North Manchester, East Manchester and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- 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.

Core Development Principles in all parts of the City are stated to require that development:

- Makes 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 environment.
 - Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
 - 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.

18. Policy DM1 Development Management seeks that all development should have regard to inter alia:

- Appropriate siting, layout, scale, form, massing. Materials and detail.
- Impact on the surrounding areas in terms of design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions such as noise.
- 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.
- Adequacy for internal accommodation and external amenity space.
- Refuse storage and collection.
- Vehicular access and car parking.
- Effects relating to biodiversity, landscape, archaeological or built heritage.

19. Policy DC5 of the Saved Unitary Development Plan states 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 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 access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g) The satisfactory provision of refuse storage and collection facilities.

20. In reply to policy DC5, DM1 and SP1 the accommodation proposed is for 78sq.m. two bed apartment which is significantly larger than the Government guidelines (National Space Standards) which suggest a two bed flat should be 65sq.m. The proposed bedrooms have floor areas of 11.82sq.m. and 16sq.m. where there is at least 1.5

metres of height. This compares to the existing studio flat which is 36sq.m, which is below the Government guidelines for a studio flat (39sq.m.) and significantly below the guidance for a 1 bed flat (51sq.m.). As such the standard of accommodation will accord with the policy framework and will be suitable for the intended occupiers.

21. Neither policy DM1 or DC5 suggests a threshold for the number of people residing in a building. The only measurement is in relation to the national space standards, as noted above the appeal proposal complies with the national space standards.
22. The apartment will have acoustic treatment in line with Building Regulations, there would be no undue internal noise spread either vertically or horizontally.
23. The two bed apartment would not result in undue pressure for on street parking. The location is within walking distance of Fallowfield and Withington District Centres and lots of shops, services, parks and public transport.
24. Bin storage is already provided which accounts for flat 4. The bin storage area is positioned discreetly. There will be no need for additional wheelie bins as a result of the one extra bedroom. The front gardens and shrubs are retained and the character of the area is safeguarded.
25. The National Planning Policy Framework Section 6 Delivering a wide choice of high quality homes. The Core Principles are concerned with allowing sustainable development. Sustainable development is defined as development that is in effect positive in all aspects of economic, social and environmental assessment. In this case the standard of accommodation will be significantly improved. In terms of accessibility the site is within walking distance to many local services.
26. In terms of the external changes the insertion of the rooflights will not be very visible from the street and will not impact the visual impact of the street. The fact planning permission was approved at appeal under reference 081245/FO/2006/S1 / APP/B4215/A/07/2035158 at 17 Clifton Avenue for the installation of velux rooflights adds to the positive weight to be attached to this current proposal. The appeal was for conversion from 2 to 4 flats at 17 Clifton Avenue (the pair of 19 Clifton Avenue). The appeal scheme included using the second floor as one flat – in a similar way to now as suggested at 19. In addition in terms of comings and goings the Inspector argued that change from 2 flats to 4 flats would not harm local amenity by additional comings and goings.
27. A more recent appeal at 19 Clifton Road for conversion of the basement to a separate flat (4 flats in total) was successful in 2015. Interestingly for the current application

the Inspector decided that the addition of four bedrooms overall would not cause harm to residential amenity within 19 Clifton or to surrounding property: *“Whilst the addition of 4 bedrooms would increase the activity levels in the appeal property, and would result in additional coming and goings, I do not consider that the increase would be substantially greater than the levels that exist at present. In coming to that conclusion I have borne in mind that there is no certainty that all the additional bedrooms would be used to accommodate extra tenants, and that there is no evidence that the bedrooms are to be double occupied as suggested by some local residents. In addition, far from catering for a transient population, the evidence shows that the majority of flats within the property have attracted tenants that have remained for considerable lengths of time. As the evidence states that after the proposed work it would be the intention to rent out the flats to either the same or similar tenants, I see no reason why the development would not continue to attract stable tenancies that can contribute to the local community.”* (Appeal Decision APP/B4215/W/15/3004916 – basement flat 19 Clifton Avenue)

28. A similar decision was made in 2018 at 50 Mayfield Road in Whalley Range (a similar suburb to Fallowfield) where the Inspector decided that a new apartment in the basement would not result in harm, to residential amenity through comings and goings: *“Therefore, on the basis of the evidence before me, the proposal would not lead to an overdevelopment or over-intensive of the site, and would have an acceptable effect upon the living conditions of the future occupants and the occupants of nearby properties.”* (Appeal Decision APP/B4215/W/18/3203678 – 50 Mayfield Road)
29. This appeal proposal at flat 4 would provide a good sized two bedroomed apartment of 78sq.m. with bedrooms in excess of the minimum guidelines. The apartment, like the existing studio apartment, will be self-contained. It is likely to be used by a small family unit / young people. The fact is, if this space is used as a separate two bedroomed apartment, rather than the existing studio apartment, it is likely that only one additional person would be living at the property. Like the case at 50 Mayfield Road and other appeal cases noted this would not cause harm to the amenities of the area. The Inspector in appeal 3004916 considered that the addition of 4 bedrooms at Clifton Avenue would not cause harm to the amenities of the area.
30. The LPA have not demonstrated or specified harm and have not specified where that harm would be found. We feel the reason for refusal should be overturned. We consider the proposed house is in accordance with the policy framework as:

- The site is within a residential area

- The use of land for housing is in line with NPPF, Core Strategy and UDP
- The two bed apartment exceeds the suggested minimum space standards published by the Government
- Appropriate levels of amenity are afforded to the occupiers of nearby properties
- The proposal offers a good design response to the existing site and the proposal is sympathetic to surrounding buildings
- The site is within a residential area in a position close to public transport links, local shops and services

31. As with the quoted appeal examples we do not believe that the proposal will cause harm to the amenity of occupiers of nearby property. We do not believe there are any adverse impacts of approving this application; as such in accordance with Paragraph 11 of the NPPF we respectfully request that the appeal is allowed.

Prepared by Simon Plowman MA MTRPI for Plan:8 Town Planning Ltd at the request of Janice Gilmartin.

List of enclosures:

- Certificate of lawful development – lawful use of 19 Clifton Avenue as four residential dwellings (four apartments) positive certificate of lawful development granted in 2010 under reference 092650/LE/2010/S1 (copy enclosed below).
- Appeal decisions referred to above supplied via the Planning Inspectorate appeal submission portal.
- Costs application