
Appeal Decision

Site visit made on 25 September 2018

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2018

Appeal Ref: APP/B4215/W/18/3203678
50 Mayfield Road, Manchester M16 8EU

- 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 Nikki Pope (NBC Property Ltd) against the decision of Manchester City Council.
 - The application Ref 118605/FO/2017, dated 19 December 2017, was refused by notice dated 28 February 2018.
 - The development proposed is conversion of existing basement into 1no. apartment.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of existing basement into 1no. apartment at 50 Mayfield Road, Manchester M16 8EU in accordance with the terms of the application, Ref 118605/FO/2017, dated 19 December 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2017.35.P8, 2017.35.P9 and 2017.35.P12.
 - 3) Before the apartment hereby approved is first occupied, it shall be insulated in accordance with a scheme submitted to and approved in writing by the local planning authority in order to secure a reduction in the level of noise emanating from the property.
 - 4) Before the apartment hereby approved is first occupied, a scheme for refuse and cycle storage shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to occupation of the apartment and shall remain in situ whilst the use is in operation.

Procedural Matters

2. The description of development above has been taken from the planning application. Whilst Part E of the appeal form provides a different description, the appellant indicates that the Council unilaterally changed the description. As I have no written agreement from the appellant to change the description, I have used the one given on the original planning application form as this is what the appellant applied for planning permission for.

3. The National Planning Policy Framework (the Framework) was revised in July 2018 after the Council's decision. The Council refer to the updated Framework in their statement and the appellant provided comments. As the policy in the Framework is relevant from the day of its publication, I have taken account of it in my decision.

Main Issue

4. This is the effect of the proposal upon the living conditions of the future occupants and the occupants of nearby properties, with specific regard to noise and disturbance.

Reasons

5. The property is a substantial 4 storey mid terraced property, split into 3 separate apartments undergoing renovations. It sits within a terrace row of mainly flatted development, converted from larger Victorian dwellings. The proposal is to convert the basement to a 2 bedroom apartment. On my visit, I observed that the basement contained high ceilings, blocked up light wells and rear door to the garden. The apartments were undergoing major renovations.
6. Planning permission¹ for window insertions to the ground floor, light wells and access staircase to the basement was granted in 2018. The plans approved as part of that permission indicate that the basement area is to be converted to provide 3 bedrooms in association with the ground floor apartment, thus creating a 4 bedroom apartment. I agree with the Council that this did not create an additional residential unit. However, it is clear from this planning permission and the current major renovations, that there is an intention from the appellant to create additional living accommodation in the basement, whether that is a separate 2 bedroom apartment as proposed, or an extension of living accommodation from the ground floor apartment. This matter attracts considerable weight as a fall-back position.
7. The Council state that 3 flats is the maximum number that the individual properties on this row can accommodate, and the area has seen a significant increase in the number of households through flatted development. However, the principle of using the basement for residential accommodation is established by the overall building being in residential use. Furthermore, the proposal would create no additional bedrooms in comparison to the extension of the ground floor apartment's living accommodation. Whilst the Council contend that it is unlikely that the larger apartment would necessarily attract the same number of residents as 2 separate residential units, this is unsubstantiated. To my mind, the proposal would create 2 smaller sized apartments which are likely to be occupied by 2 smaller groups of people, rather than a larger apartment that could be occupied by a group of people as shared housing or as a larger family dwelling. In any event, I find the difference between the number of occupiers would be negligible.
8. In the context of predominately flatted development, the comings and goings associated with one additional 2 bedroom apartment would be modest; and considering access to the first and second floor apartments would also be taken from the ground floor, the additional dwelling would be unlikely to lead to an unacceptable effect upon the living conditions of the occupants of the ground

¹¹ 119028/FO/2018

floor apartment. Noise breakout from open windows and doors, or putting out refuse, would be domestic in nature and would not cause an adverse effect upon living conditions.

9. Nonetheless, I acknowledge that the bedroom for the basement apartment would be underneath the living area for the ground floor apartment; and the living area for the basement apartment would be underneath a bedroom for the ground floor apartment. Owing to the use of these rooms and the separate occupation, this could lead to noise disturbance between floors. I have considered if an alternative layout could be the subject of a condition, however, the living area for the basement apartment would have direct access to the rear garden. If this room were to become a bedroom, access to the rear garden would be inconvenient and inappropriate.
10. As a result, it would be necessary to impose a condition requiring soundproofing. This would mitigate noise disturbance between the floors to ensure there was no adverse effect upon both existing and proposed living conditions.
11. 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. I find compliance with Policies SP1 and DM1 of the Core Strategy Development Plan Document (July 2012) which seek to ensure developments have regard to the effects on amenity and make a positive contribution to the wellbeing of residents. I also find compliance with Policy DC5 of The Manchester Plan, The Unitary Development Plan for the City of Manchester (July 1995), which seeks to ensure that the standards of accommodation are satisfactory for the people who would be living in the flats, and also that there is no unacceptable impact on occupiers of neighbouring property, or on the character of the area.

Other Matters

12. As no external changes are proposed, the development would have a neutral effect upon the character and appearance of the Whalley Range Conservation Area.
13. Whilst the Council detail that there is a shortage of family housing in south Manchester, it also states that the creation of one residential additional unit would not add significantly to the housing stock of the city. Therefore, I find its effect upon the housing mix in the area would be negligible.
14. As I have found this proposal to be acceptable, I see no reason why it would set an unacceptable precedent for future development.
15. Furthermore, as each proposal is based upon its own merits, a refusal of planning permission for flats at a site near to the appeal site has little relevance to the proposal before me, particularly as this has not been subject to an Appeal.
16. An increase in parking demand would be modest and as on-street parking demand did not appear to be particularly high, and this did not form a reason for refusal, I find the effect would be negligible.

Conditions

17. The approved plans are listed for certainty. I have not listed all the plans suggested by the Council as several relate to the overall use of the building and serve to provide information.
18. A condition for details of the cycle and refuse storage is necessary in order to ensure that the visual effect upon the character and appearance of the Whalley Range Conservation Area is acceptable.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR