



Appeal Decision

Site visit made on 8 May 2007

**by Philip Crookes BSc (Hons) DipTP
MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

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Date: 18 May 2007

Appeal Ref: APP/B4215/A/07/2035158

17 Clifton Avenue, Fallowfield, Manchester M14 6UD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr and Mrs Eilon against Manchester City Council.
- The application Ref 081245/FO/2006/S1, is dated 3 November 2006.
- The development proposed is change of use from single dwelling to four flats.

Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out in the Formal Decision.

Procedural Matter

1. The appeal is against non-determination of the application. The Council has subsequently provided a putative reason that indicates that permission would have been refused due to an overly intensive use of the site detrimental to the amenities of adjoining residents and future residents of the building. There are associated concerns that the proposal would lead to increased levels of activity detrimental to the amenity of neighbouring occupiers.

Reasons

2. Planning permission was granted on appeal in September 2006 (Ref: AP/B4215/A/06/2013285) for the conversion of the appeal property to two flats with a single storey rear extension and two car parking spaces in the rear garden. Each of the flats was to contain five bedrooms, a living room and two bathrooms. The principle of conversion of the property to flats is therefore established.
 3. The current proposal utilises the basement and roof space to accommodate four flats, each with three bedrooms and a bathroom. Entrance to the flats would be via a side door in the recently completed rear extension that has been constructed as "permitted development". I note that the new entrance arrangements have been accepted by the Police Architectural Liaison Officer who does not consider they will represent any threat to the safety and security of future occupiers.
 4. There would be an increase of two bedroom and two bathrooms compared with scheme allowed on appeal in 2006. The fundamental issue therefore is whether the addition of two further bedrooms and the potential for a greater number of occupiers would result in the degree of impact on residential amenity feared by the Council.
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5. Incremental increases in the intensity of development such as that proposed are often a source of concern and I recognise that a line has to be drawn somewhere. However, this Victorian property stands in a substantial plot and is large enough internally to accommodate the proposed development. As previous Inspectors have commented, Clifton Avenue is not homogenous and some older houses have already been converted into flats, including the neighbouring property at No 19 Clifton Avenue. Consequently, whilst there is likely to be some increase in comings and goings as a result of the two additional bedrooms, I am not persuaded that the impact of increased activity would be so significant as to cause unacceptable harm to the character of the locality or to the amenities enjoyed by future residents of the proposed flats or existing residents in the locality, including the single family dwelling at 15 Clifton Avenue. I appreciate that the proposal brings the main entrance to the flats closer to the side of No.15. However, I am satisfied that the width of the intervening driveway and the substantial brick boundary wall with fence on top would mitigate against any unacceptable adverse impact on the residential amenity of the neighbouring occupiers.
6. Given that the proposed conversion makes use of existing window openings in the side and rear elevations, the proposal would not significantly increase the number of vantage points where views onto adjacent gardens are possible. I have no reason to believe that overlooking would be materially different to that already accepted in relation to the scheme approved on appeal in 2006, notwithstanding the provision of two additional bedrooms. Moreover, the extent of any overlooking would not, in my opinion, be unusual to the situation that commonly occurs within residential properties in urban areas, where a mix of housing types exists.
7. I have taken account of the possibility that additional traffic and the need for parking could be generated as a result of the proposal over and above that arising from the approved scheme. Nevertheless, such differences are likely to be small and the Council does not dispute that adequate parking provision can be made within the site without unduly compromising the opportunity for the rear garden area to provide for the domestic needs of residents, such as drying washing, parking cycles and for sitting out. I do not consider that any likelihood of additional car parking occurring at the rear of the property and the vehicle movements associated with just two additional bedrooms would be of such significance as to alter the conclusion reached by my colleague in her August 2006 decision.
8. I note that local residents have also raised concerns that the proposal would lead to additional on-street parking and add to parking difficulties already experienced. Like the previous Inspector, I have no evidence of severe parking problems in the street and noted, at my daytime site visit, that a generous amount of kerbside parking space was available with most properties having vehicular accesses leading to off-street parking. Given the facility to provide adequate parking space within the curtilage of the appeal site I do not consider that concerns about parking problems justify resisting the proposal.
9. I appreciate local residents have concerns that changes have been made to the external appearance of the property, including the loss of some of the period detailing, the replacement of garden areas by hard surfacing and parking and the removal of the front boundary wall. However, the property has no special

designation or protection (such as being a listed building or lying within a conservation area) and these alterations have been carried out under "permitted development" rights. This is not disputed by the Council. They are therefore not factors that influence my decision.

10. Drawing all of the above together, I conclude that the proposal would not conflict with Policy H2.2 of the UDP which seeks to safeguard residential amenity. I find that it would accord with the provisions of Policies DC5.1 and DC5.2 which, together, take a positive stance towards flat conversions in residential areas subject to satisfying a number of criteria. I am satisfied that the proposal meets all the relevant criteria, including the effects on adjoining houses, the adequacy of car parking, the effect on the character of the neighbourhood, access and provision for refuse storage and collection.
11. The Council has suggested a number of conditions that should be imposed should I allow the appeal and grant planning permission. These identify and require that the development is carried out in accordance with the approved plans and, in the interest of residential amenity and the protection of the character of the area, require approval to details of refuse storage and disposal; boundary treatment; landscaping and car parking. Whilst I agree that provisions should be made to ensure the personal safety of future residents, I consider that this can be achieved through a condition requiring a scheme to be submitted, approved and implemented. Such a scheme can incorporate the various security provisions referred to more specifically in other conditions that the Council has proposed. I have amended some of the conditions to take account of the fact that the development has commenced.
12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

13. I allow the appeal, and grant planning permission for change of use from single dwelling to four flats at 17 Clifton Avenue, Fallowfield, Manchester M14 6UD in accordance with the terms of the application, Ref 081245/FO/2006/S1, dated 3 November 2006, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the drawings numbered AE/MR:02-34, AE/MR: 02-21b, AE/MR; 02-23b, AE/MR: 02-30, AE/MR: 02-31, AE/MR: 02-33, AE/MR: 02-05A, AE/MR: 02-06A, AE/MR: 02-22b and AE/MR: 02-20b, unless otherwise agreed in writing by the local planning authority.
 - 3) Within one month of the date of this decision a scheme for the storage and disposal of refuse shall be submitted to the local planning authority for its written approval. The approved scheme shall be implemented in full before the first occupation of any of the flats and shall remain in situ whilst the use is in operation.
 - 4) The flats hereby approved shall not be occupied until the boundary of the site has been treated in accordance with details submitted to and

approved in writing by the local planning authority. The submitted details shall include the reinstatement of part of the front boundary wall and include the colour of the materials to be used.

- 5) Within one month of the date of this decision a landscaping scheme shall be submitted to the local planning authority for its written approval. The approved scheme shall be implemented not later than 12 months from the date the buildings are first occupied. Any trees or shrubs removed, dying or becoming severely damaged or diseased within 5 years of planting shall be replaced during the following planting season by trees or shrubs of a similar size and species to those originally required to be planted unless otherwise agreed in writing by the local planning authority.
- 6) Before the flats hereby approved are occupied, measures to minimise the risk of crime and specific to the security needs of the application site and development, shall be implemented in accordance with details submitted to and approved in writing by the local planning authority. Such measures shall include details of a lighting scheme for the illumination of the external areas of the site and for close circuit television surveillance.
- 7) The car parking areas indicated on the approved plan numbered AE/MR: 03-34 shall be surfaced and demarcated and made available for use prior to the flats being occupied. The car parking areas shall then be made available for parking at all times whilst the use is in operation.

Philip Crookes

INSPECTOR