
Appeal Decision

Site visit made on 27 April 2015

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 6th May 2015

Appeal Ref: APP/B4215/W/15/3004916

19 Clifton Avenue, Manchester M14 6UD

- 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 Stefan Varga against the decision of Manchester City Council.
 - The application Ref 106747/FO/2014/S1, dated 3 September 2014, was refused by notice dated 28 November 2014.
 - The development proposed is the conversion of basement 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.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of basement into additional living accommodation in association with reconfiguration of existing flats to form 4 no. flats (no increase in number of flats) and associated elevational alterations to front at 19 Clifton Avenue, Manchester M14 6UD in accordance with the terms of the application, Ref 106747/FO/2014/S1, dated 3 September 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Floor Plans D1; Floor Plans D2; Floor Plans D3; Floor Plans D4; Elevation Plans D5; Elevation Plans D6; Elevation Plans D7; Elevation Plans D8; Floor Plans D9; Elevations D10; Existing Parking Plan; and Proposed Parking Plan.
 - 3) No development shall take place until samples and specifications of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until a scheme for the storage (including segregated waste recycling) and disposal of refuse has been submitted to, and approved in writing by, the local planning authority. The details of the approved scheme shall be implemented as part of the development and shall be completed and made available for use before any part of the development hereby approved is brought into use. The bin storage area shall be retained as such thereafter.

Procedural Matter

2. I note the very detailed description of the development on the application form. The more concise description used in the above heading, and on which basis I have determined the appeal, is that used on the appeal form and decision notice.

Main Issues

3. The main issues in the appeal is the effect of the proposed development on
 - The living conditions of nearby residents with particular regard to noise and disturbance; and
 - The surrounding area with particular regard to the provision of car parking.

Reasons

Living Conditions

4. The appeal property is a large semi-detached house that is currently sub-divided into 4 flats over three floors. These flats have a total of 5 bedrooms. As a result of the proposed development, whilst the number of flats would remain the same, the number of bedrooms would increase to 9 and the accommodation would be spread over 4 floors. Therefore, if all the additional bedrooms were occupied this would result in an intensification of the use of the property.
5. The Council and local residents have highlighted the significant problems that Houses in Multiple Occupation (HMO), and student houses within the area, are causing with regard to noise and disturbance and anti-social behaviour, and I note that there are an increasing number of such uses in the street. However, the existing property is not an HMO nor is it used for student accommodation, and the appellant has stated that this would continue to be the case following the proposed work on the property. In addition, I have not been made aware that the Council have received any formal complaints regarding noise and disturbance relating to the property, or its occupiers.
6. 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.
7. 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.
8. I note the Council's concern that the proposal would increase the potential to be converted into an HMO in the future and that they state that much of this could be done without the need for planning permission. The popularity of the area for students means that they consider that this would be a reasonable

possibility. Be that as it may, the evidence indicates that this is not the intention of the work the appellant is proposing to undertake, and it is on this basis that I have determined the appeal.

9. Overall, I am satisfied that the proposed development would not lead to any significant increase in noise and disturbance to nearby residents. As such, it would not be contrary to Policy DM1 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) and Policy DC5 of the *City of Manchester Unitary Development Plan (adopted July 1995)* (UDP) which seek to ensure that developments do not have an adverse impact with respect of amenity in the area including by way of noise.

Car Parking

10. At present the evidence states that there is no requirement for any off-street parking to be provided for the 4 flats and, whilst there is a detached garage in the rear garden, it is not clear whether this is used to provide parking. Consequently, if the existing occupiers have cars, it is likely that they park on the street.
11. The plans show that 2 parking spaces would be created on the tarmac hardstanding to the rear of the house, accessed by the drive at the side. However, it is agreed by both parties that the width of the drive is such that, although it is possible for a car to get to the rear, accessing any parking at the rear would be problematical. Therefore, it is probable that the proposal would increase the demand for on-street parking in the area.
12. There are no parking restrictions on Clifton Avenue and the majority of residential properties in the area have 1 or more off-street parking spaces. I was able to observe on my site visit (mid-morning on a weekday) that, although there were some cars parked on the street in the locality, there was plenty of space available for on-street parking. Moreover, such parking could take place without being detrimental to highway or pedestrian safety. Given the residential nature of the area I would expect the demand for parking to be higher in the evenings and at the weekend. Nevertheless, the evidence shows that, even at such times, the level of on-street parking is not excessive. Whilst I note the concerns on local residents regarding on-street parking in the area, I have not been made aware that Highways have any concerns either regarding parking for the proposal, or with respect to the level of on-street parking in the area.
13. Therefore, even if no parking would be provided on the site, I am satisfied that there is sufficient parking available on the street to safely accommodate any increase in demand for on-street parking that may arise from the proposal. Furthermore, I can see no reason why any such parking would be detrimental to the character and appearance of the area, or would be likely to occur in ways that are inconsiderate or inconvenient to the local residents or pedestrians.
14. Overall, I conclude that the effect of the proposed development on the surrounding area with particular regard to the provision of car parking would be acceptable. Accordingly, there would be no conflict Policy DM1 of the MCS and policy DC5 of the UDP which seek to ensure that developments do not have an adverse impact, with respect of amenity, in the area including through the provision of car parking.

Other Matters

15. The proposed development would alter the access to the current front door of the property, and would also create a new door on the front elevation for the basement flat. Due to the existing mature trees and vegetation in front of this, and other properties in the immediate vicinity, there is only limited visibility of the front elevation of the property and it is not a prominent feature in the streetscene. The alterations would be relatively minor in scale and I am satisfied they would not be detrimental to the character and appearance of the host property, or the surrounding area.
16. It has been suggested that there are already a large number of vacant flats in the area so more are not needed. However, I have not been provided with any evidence to indicate that there is an oversupply of flats within the area. Moreover, the proposal would not be increasing the number of flats in the property.
17. Neighbours have expressed concerns regarding the accumulation of waste on the site at present. There is adequate space within the site for the storage of bins, and I am satisfied that the location and nature of this can be satisfactorily dealt with by way of condition. Therefore, whilst I note that inconsiderate behaviour may have led to some inconvenience for neighbours, this is not a matter which I can address, or one to which I am able to attribute any weight. In addition, there are no persuasive reasons to believe that the proposed development would have any detrimental impact on flooding or drainage in the area.

Conclusion and Conditions

18. For the reasons set out above, I conclude the appeal should be allowed.
19. In addition to the standard implementation condition, it is necessary for the avoidance of doubt to define the plans with which the scheme should accord. In the interest of the character and appearance of the area a condition is required to control the external appearance of the development. In the interests of visual amenity it is necessary to ensure that adequate provision is made for bin storage and waste disposal, and that these are made available for use before the flats are occupied.

Alison Partington

INSPECTOR