The Planning Inspectorate

# Appeal Decision

Site visit made on 16 December 2019

**by J Hunter BA (Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 31st January 2020**

**Appeal Ref: APP/B4215/W/19/3237988**
**5, Bennett Road, Manchester M8 5DU**

- 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 A Benedikt of Al Estates against the decision of Manchester City Council.
- The application Ref 123386/FO/2019, dated 15 April 2019, was refused by notice dated 1 August 2019.
- The development proposed is a studio apartment in existing basement space.

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of the future occupiers of the proposed basement unit with regards to living space, privacy, outlook and security; ii) the living conditions of occupiers of the appeal property and neighbouring properties with regards to refuse arrangements, noise and disturbance and car parking arrangements.

## Reasons

*Living conditions- future occupiers of the basement units*

3. The appeal property is a large, three storey semi-detached property within a predominantly residential area. The semi-detached pairing is one of two similar pairings along this part of the street. The property is divided into a number of apartments that are accessed from a large area of hardstanding which sits to the front of the building and leads around to the rear external outdoor space.

4. The proposal would see the conversion of two existing basement rooms into a studio apartment comprising a single point of entry from the front via a sunken staircase from the front yard, a combined bedroom/living space and kitchen in a front room and a separate bathroom to the rear.

5. Policy DM1 of the Core Strategy Development Plan Document 2012 (CS) and saved policy DC5 of the Manchester Unitary Development Plan 1995 (UDP) state that development proposals, including the flat conversions, should have regard to specific issues including, amongst other things, privacy, light, crime prevention and adequacy if internal living accommodation.

6. The only source of natural light, ventilation and outlook would be via a sunken light well at the front of the apartment which would serve the combined bedroom/living/kitchen space. The lightwell window would provide future occupiers with a view from lower ground floor level into an area of hardstanding at the front of the appeal building which would be obstructed to a large degree by access staircase and light well structure which at ground floor level would be bounded by railings. The effect of this combination of elements would mean that the outlook enjoyed and natural daylight received would be significantly and negatively affected.

7. It is likely that because the front light well window would be the only source of light, ventilation and outlook, future occupiers would want to keep it unobstructed by curtains or blinds. Owing to its position in relation to the area of hardstanding this could cause privacy issues because people using the yard area would have views into the only living space within the proposed apartment. Furthermore, if the window was opened to allow ventilation it may pose a security issue. Whilst I acknowledge the presence of railings around the lightwell at ground floor level I am not convinced that this would satisfactorily address these matters.

8. I note the concern of the Council in relation to the size of the living space and I acknowledge the appellant's submission that there are similar sized apartments in the vicinity, I do not have the details of these other properties or the circumstances under which they were permitted. Nonetheless, I agree that whilst the space is small, it would be large enough to accommodate a bed, small kitchen facilities and a bathroom. However, there would be very little space for storage and everyday living and combined with the poor outlook, lack of natural light, privacy and potential security issues, I do not consider that the proposal would be acceptable in living conditions terms in relation to the future occupiers of the proposed basement unit . Consequently, I find conflict with the aims of Policy DM1 of the CS and Policy DC5 of the UDP.

*Living Conditions- appeal property and neighbouring properties*

9. There are currently six apartments in the appeal property and the proposal would increase the occupancy further. I accept the appellant's point that due to the size of the proposed studio it would likely be occupied by a single person or couple. Nevertheless, there would seven households living independent lifestyles and the result would be frequent comings and goings at various times of the day and night. Cumulatively, this would have an affect on the level of noise and disturbance in and around the property although I accept that due to the low increase in occupancy this is not likely to be significant.

10. I noted during my site visit that the communal external space was used for the storage of a significant number of bins, some of which were positioned in front of the light well to the proposed apartment. I therefore appreciate the Council's concern that the proposed development would intensify this issue and I note that the appellant has not provided me with any potential solution. I consider it likely that the given the number of occupiers of the appeal property and the corresponding number of bins, there would be noise and disturbance caused by occupiers going to and from the bins and from moving them around the communal area to facilitate collection. This disturbance would have a harmful and detrimental impact on living conditions of the occupiers of the appeal property. Consequently, I find conflict with Policy DC26 of the UDP which aims

to, amongst other things, reduce the impact of noise on people living, working or visiting the city.

11. Policy DC5 relates specifically to the conversion of property into flats and states that the Council will have regard to adequacy of car parking and waste management, whilst Policy T2 of the CS requires that all new development provides appropriate car parking facilities. The Council is concerned that the proposal would lead to an over intensive use that would increase demand on existing car parking and waste provision.

12. I consider that due to its size, the likely occupancy of the apartment would be limited to a single person or couple and therefore the demand for parking arising from the proposal would be minimal. The Council has not provided me with the number of parking spaces that they would consider appropriate and I noted during my site visit that there was an area of hardstanding to the front of the property that could facilitate some parking as well as the availability of on-street parking. Therefore, I do not consider that the proposal would give rise to an increased demand for parking or waste management to such an extent that it would have a detrimental impact on the living conditions of occupiers of the appeal property. Furthermore, I note that there was no objection from the Highways Officer with regard to parking or highway safety.

13. I note that the proposed studio apartment would have its own point of access via a sunken external staircase sited in front of the ground floor windows and leading down to basement level. Owing to the position of the staircase in relation to the ground floor apartment I consider that there would be some privacy issues for the ground floor apartment because visitors and occupiers of the basement apartment would be able to see into the ground floor windows when using the staircase. Accordingly, I consider that this would have a detrimental impact on the living conditions of the occupiers of the appeal property and therefore find conflict with the residential amenity aims of Policy DM1 of the CS and Policy DC5 of the UDP.

**Other Matters**

14. The appeal site is within the Crumpsall Lane Conservation Area (CA), Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decisions maker to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs. Paragraphs 193 and 197 of the National Planning Policy Framework (The Framework) require decision makers to afford great weight to the conservation of a designated heritage assets.

15. I have considered the nature of the proposed use in the context of the wider residential area and the lack of external alterations to the building in order to facilitate the proposal and I am satisfied that the proposal would preserve the character and appearance of the CA.

16. I accept the appellant's submissions that proposal would make a contribution to meeting housing needs and that the appeal property is located within an accessible location. I also note the appellant's commitment to ensure that the proposal would accord with Building Regulations with reference to sound insultation. However, none of these matters outweigh the harm that I have identified in relation to the main issues.

## Conclusion

17. For the reasons outlined above, and taking into account all other matters I conclude the appeal should be dismissed.

*J Hunter*

INSPECTOR