The Planning Inspectorate

Appeal Decision

Site visit made on 18 February 2013

by Matthew Birkinshaw BA(Hons) MSc MRTPI

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

Decision date: 9 April 2013

Appeal Ref: APP/B4215/A/12/2185159
46 Bignor Street, Cheetham Hill, Manchester, M8 0SE

- 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 Shah against the decision of Manchester City Council.
- The application Ref 099171/FU/2012/N1, dated 4 April 2012, was refused by notice dated 25 July 2012.
- The development proposed is the change of use from existing basement to 1no. 2-bed apartment.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

    - Whether or not the proposal would provide adequate living conditions for future occupiers with regard to the safety and security of access arrangements; and

    - Whether or not the proposal would provide adequate living conditions for future occupiers with regard to noise and disturbance.

Reasons

Safety and Security

3. The existing external stairs to the basement would be widened to provide access to the apartment. However, the entrance would be concealed approximately 1.9m below ground level on a rear facing wall of the building. As a result, there would be no natural surveillance from Bignor Street. Although there are windows in the side of the host property and the basement, they would provide very limited surveillance as none directly overlook the staircase. Moreover, the bathroom window above the stairs is fitted with obscure glazing, and the basement windows provide restricted views due to their low level.

4. Similarly, from my site visit I saw that a number of the windows in the neighbouring apartment building are also fitted with obscure glazing, and on the side elevation do not appear to serve main habitable rooms. The existing boundary brick wall, which is some 2m high, further restricts views of the concealed entrance from this neighbouring building. Therefore, although there are several windows surrounding the entrance, none would provide any clear

natural surveillance. For this reason, I share the concerns of the Greater Manchester Police that, hidden from view underneath the kitchen door, the proposed entrance would be vulnerable to intruders.

5. The appellant's comments are also noted that the existing gates down the side of the property would be upgraded with a security lock and that additional lighting would be installed. However, no specific information has been provided on the security measures or upgrades proposed. Whilst details could be controlled and enforced through the use of a suitably worded condition, in this instance I am not persuaded that upgrades to the existing driveway gates would overcome, or adequately minimise the risks attributed to the concealed entrance.

6. I have also taken into account the removal of the brick outbuilding, that there is no dispute over the effect of the proposal on the character or appearance of the area, that the proposal will reuse wasted space, and provide affordable accommodation. However, whilst removal of the outbuilding and provision of additional, affordable housing will be of benefit, this does not overcome the concerns raised with regard to the proposed access arrangements.

7. Due to the access arrangements, the proposal would compromise the safety and security of the accommodation, and thus fail to provide adequate living conditions for future occupiers. This conflicts with *Manchester Core Strategy* (2012) Policy DM1 which requires all development to have regard to community safety and crime prevention. For the same reasons the proposal also fails to meet the requirements of *Manchester Unitary Development Plan* (UDP) (1995) Policy DC5.1 (a) relating to the standard of accommodation for flat conversions, and, the principles of promoting natural surveillance and safety through design in the *Guide to Development in Manchester Supplementary Planning Document* (SPD) (2007). These development plan policies and the SPD are consistent with paragraph 58 of the National Planning Policy Framework ('the Framework'), which promotes safe and accessible environments where crime and the fear of crime do not undermine the quality of life.

Noise and Disturbance

8. The proposed bedrooms for the apartment would be sited directly underneath the main family living room of the host property above. However, no further information has been provided to substantiate assertions that this would cause any demonstrable harm. Instead, based on the information presented and observations from my site visit, I am not persuaded that the noise generated by a family living room would lead to unacceptable levels of noise and disturbance for the bedrooms below.

9. I am also mindful that the Council's Environmental Health Officer has not raised any objections to its use as a separate dwelling. As identified by the appellant, subject to meeting relevant Building Regulations the appropriate sound insulation for separating floors would be provided. Based on the evidence presented I am therefore satisfied that the installation of appropriate sound insulation would be covered through separate legislation.

10. In this instance, the proposal would therefore not result in unacceptable living conditions for future occupiers with regard to the transfer of noise or disturbance. In this regard there is no conflict with Core Strategy Policy DM1

relating to the effect of noise on amenity. The proposal also meets the requirements of UDP Policy DC5.1 (b) in relation to the transfer of noise from adjoining houses and the Framework which seeks to protect the amenity of neighbouring occupiers of land and buildings.

Conclusion

11. Whilst I have found that the proposal would be acceptable in relation to noise and disturbance, the access arrangements would seriously compromise the safety and security of the accommodation and the scheme would thus fail to provide adequate living accommodation for future occupiers. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Matthew Birkinshaw

INSPECTOR