
Appeal Decision

Site visit made on 31 July 2018

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 20 August 2018

Appeal Ref: APP/B4215/W/18/3195414
2-4 Athol Road, Manchester M16 8QN

- 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 Edge Property Management against the decision of Manchester City Council.
 - The application Ref 116712/FO/2017, dated 19 June 2017, was refused by notice dated 9 August 2017.
 - The development proposed is conversion of two existing basements to 1 No. one bedroom apartment and 1 No. two bedroom apartment, including installation of lightwells to the front and external terraces to the rear.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of two existing basements to 1 No. one bedroom apartment and 1 No. two bedroom apartment, including installation of lightwells to the front and external terraces to the rear, at 2-4 Athol Road, Manchester M16 8QN in accordance with the terms of the application, Ref 116712/FO/2017, dated 19 June 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin no 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: T6409 P001; T649 P003; T649 P005 Rev B; T649 P008; T649 P009; T649 P010.
 - 3) Neither of the apartments hereby approved shall be occupied until refuse and waste recycling facilities have been provided in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. The submitted details should be in line with the principles set out in the Design and Access Statement, Reference T649_DAS, dated June 2017, and the facilities shall at all times thereafter be retained and maintained exclusively for waste recycling purposes.

Application for costs

2. An application for costs was made by Edge Property Management against Manchester City Council. This application is the subject of a separate Decision.

Procedural Matter

3. The application as originally submitted sought approval for the provision of 2 two bed apartments but was amended, prior to the Council's decision, to propose 1 two bed and 1 one bed apartment within the basements of the two linked properties. I have adopted the amended description of development which reflects that revision.

Main Issues

4. The main issues are:
 - (a) The effect on the living conditions of: (i) the occupiers of the existing apartments within the appeal property and of neighbouring properties, and (ii) the future occupiers of proposed Apartment 2, with regard to noise and disturbance; and
 - (b) Whether the failure to make provision for off-street parking would cause unacceptable pressure on the availability of on-street parking within the vicinity of the appeal site.

Reasons

Living conditions

5. The appeal relates to the basement areas of two adjoining, part 2 and part 3 storey dwellings which have been converted under a planning permission granted in 1984 to form 8 self-contained apartments. The conversion has linked the two properties together and all access to the apartments is taken through a single front door leading to a communal hall and stairs. The appeal proposal would increase the total number of apartments from 8 to 10.
6. The provision of two additional apartments would inevitably result in an increase in the number of people entering and leaving the building. However, as those comings and goings would be via the existing front door and hallway they would represent an increase in the frequency of existing noise events rather than new sources of noise in a different part of the building. No technical evidence has been submitted by either party but, in my judgment, the resulting increase in the frequency of those noise events would be unlikely to cause unacceptable levels of noise or disturbance to the occupiers of the existing apartments.
7. There would be no need for residents of the proposed basement flats to use the main stairs. The potential for their comings and goings to disturb existing residents would arise only from the noise of the opening and closing of the front door, their footsteps in the hallway and their conversations if more than one person is entering or leaving at the same time. The property is of substantial construction and there is no evidence that noise and disturbance from the use of the front door and hallway has been a source of complaint from the existing occupiers. This issue was not raised by the one resident who objected to the application. Having apparently misunderstood the details of the proposal, that objector was concerned about the possibility of access to the proposed apartments being taken via the rear garden and suggested that access via the front door and hallway would be a preferable arrangement.

8. Given that there have been 8 apartments in the property for nearly 30 years comparison with its past use as 2 family houses is unjustified. The key issue is whether the additional movements generated by the proposed apartments would make a material difference in terms of noise and disturbance to the existing residents. Insofar as they may be able to hear comings and goings via the front door and hallway from within their apartments, the existing residents will be familiar with such noises and are unlikely to be able to distinguish any difference in the type or level of noise from these activities. The likely increase in the frequency of such events alone would not be such as to cause an unacceptable level of noise and disturbance to those residents. As the new apartments would be on the bottom level of the building noise from within these units is unlikely to be transmitted to those other apartments.
9. The door is set centrally in the front elevation of the linked properties and both these and the neighbouring residential properties are set back from the pavement behind front gardens of some 5 to 6 metres in depth. There would, accordingly, be minimal risk that the increased use of the front door by residents of the two additional apartments would cause disturbance to the occupiers of any neighbouring properties. The proposal would generate additional pedestrian movements along the street but the relative increase would be inconsequential given the number of dwellings on Athol Road.
10. The amenity of the future residents of the proposed apartments is a legitimate planning concern. The Council states that it normally seeks to avoid the siting of a bedroom next to a kitchen or living room but has not pointed to any adopted policy or guidance on this matter. Neither has it given any reason for its apparent conclusion that acoustic insulation would not address the issue of potential noise transmission. The kitchen to Flat 2 would be separated from the bedroom to Flat 1 by a substantial masonry and load-bearing wall rather than a thin partition. I see no reason why additional insulation should not be capable of ensuring a satisfactory noise environment for the occupiers of both apartments in accordance with building regulation requirements.
11. The private amenity areas to the rear of each of the new flats would be below windows that serve bedroom or living areas to the ground floor apartments. These relatively small spaces would be at a much lower level than the ground floor accommodation and would occupy part of the garden that currently forms a shared amenity space for the existing apartments. The juxtaposition of such uses is not unusual in flatted developments and would have limited potential to cause unacceptable levels of noise or disturbance to other residents.
12. I find that the proposal would not result in unacceptable noise or disturbance either to the future occupiers of the proposed apartments or to occupiers of other dwellings within 2-4 Athol Road or other nearby properties.

Parking provision

13. The Council's Highways Consultation response states that the site is considered to be accessible by sustainable modes and in close proximity to a range of public transport facilities. Given that bus stops on Wilbraham Road, Princess Road and Alexandra Road South are all within a comfortable walking distance I agree that this would be the case. The occupiers of the proposed apartments would not be any more dependent on the use of a private car for their daily travel requirements than existing residents of the property. It would, therefore, be wrong to assume that the proposal would necessarily result in a

cumulative demand for 10 off-street parking spaces as the Council seems to do. Even if the proposal was to lead to two more occupiers seeking on-street parking the evidence before me does not suggest that this would result in an unacceptable level of pressure on the availability of such spaces.

14. A large proportion of the properties in this section of Athol Road have some off-street parking provision. The need to keep pavement crossings clear prevents parking along the full length of the street but there are no other parking restrictions. At the time of my visit, only a few vehicles were parked on the street and there was ample room for additional on-street parking both on Athol Road and Kingsbrook Road. The parking I observed included a number of vans of contractors working at various properties in the road and it is reasonable to assume that those spaces would be available for other users in the evenings and at weekends.
15. Although one objector suggests that parking can be difficult at peak times, the appellant's surveys do not support that view. They do not suggest that spaces are at a premium during the evenings and there is no evidence before me to indicate otherwise. Had the failure to provide the off-street spaces approved as part of the 1984 permission resulted in a significant problem with on-street parking the Council would likely have been aware of this and would have sought to enforce compliance with the condition requiring that provision. That this appears not to have been done suggests that no such problem materialised then and there is no evidence of any undue pressure for on-street parking or a significant undersupply of such provision now.
16. I find no evidence that the failure to include off-street parking provision as part of the appeal proposal would result in undue pressure on the availability of on-street parking spaces in the area and cause harm either to highway or pedestrian safety or to the amenity of other local residents in this regard.

Other Matters

17. I note one objector's concerns about the presence of electricity meters and other services within the two basement areas. It is likely that these services would need to be relocated to enable the development to go ahead but I have no reason to conclude that this cannot satisfactorily be achieved.

Conditions

18. Permission is granted in accordance with the terms of the planning application but in the interests of certainty a condition is needed to tie the permission to the details set out in the approved plans. A condition has also been attached to require the provision of facilities for refuse storage and waste recycling in accordance with details to be submitted and approved by the local planning authority. This is required to ensure that adequate provision is made for these activities and to safeguard the visual amenity of the local area.

Conclusions

19. The proposal would not result in unacceptable noise or disturbance either to the future occupiers of the proposed apartments or to occupiers of other dwellings within 2-4 Athol Road or other nearby properties. Accordingly, I find no conflict with those parts of saved Policy DC5.1 of the Manchester Unitary Development Plan 2005 (UDP) which seek to ensure a satisfactory

standard of accommodation within flat conversion schemes and to avoid unacceptable effects on the amenity of other dwellings.

20. There is no evidence that on-street parking in the vicinity of the site would be inadequate. Neither is there any evidence of an existing on-street parking problem or that the proposal would create unacceptable additional pressures on on-street parking. No conflict arises with part (c) of saved UDP Policy DC5.1. The proposal is, therefore, consistent with the general presumption in favour of flat conversions within residential areas set out in Policy DC5.2 and derives positive support from that policy.
21. In the absence of any harm to amenity, road safety or the character of the area the proposal also complies with the development management requirements of Policy DM1 of the Manchester Core Strategy 2012 (Core Strategy) and with the core development principles set out in Core Strategy Policy SP1. Core Strategy Policy H11 is primarily concerned with houses in multiple occupation but the final part is applicable to proposals for other flat conversions. In light of my findings as to the adequacy of the noise environment which could be provided within the proposed apartments I find no conflict with that policy.
22. The consistency with these policies leads me to conclude that the proposal complies with the development plan as a whole. There are no material considerations that would indicate a decision other than in accordance with the development plan. I therefore conclude that the appeal should succeed.

Paul Singleton

INSPECTOR