

Appeal against Manchester Council

Refusal of Planning Application 133436/FO/2022

9 Brook Road

Manchester

M14 6UE

Conversion of basement to form two self-contained flats

Appellant:	Mr M Akhtar
Date:	6 th September 2022
Prepared:	PS
Checked:	TP

Statement of Case

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1.0 INTRODUCTION

1.1 RBA Town Planning have been instructed by the Applicant, Mr Mohammad Akhtar, of Planning Application 133436/FO/2022 to act on their behalf in the preparation and submission of an Appeal against the decision of the Local Planning Authority to refuse Planning Consent for the proposed development.

1.2 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing. (*National Planning Policy Framework 47*).

1.3 The Application was refused planning permission on 17th June 2022, for the reasons outlined with the issued Decision Notice, which cites policies contained within the Council's Adopted Plan.

1.4 This Statement sets out the Appellant's Case and makes reasoned justification against Adopted Plan Policies cited within the Notice. This statement should be read in conjunction with the proposed plans and all other documentation submitted as part of the original planning application and attached appendices.

1.5 Given the determination date of the Refused Planning Application it is considered that the Appeal is not outside the prescribed time limits for submission and is lodged under the Written Representation Procedure.

2.0 THE SITE

2.1 The property is a 2 storey large, detached building with a double frontage. The dwelling has already been converted into five flats.

The property has seen a reduction in curtilage over the years with the construction of Brook Court.

Fig 1 – Street View

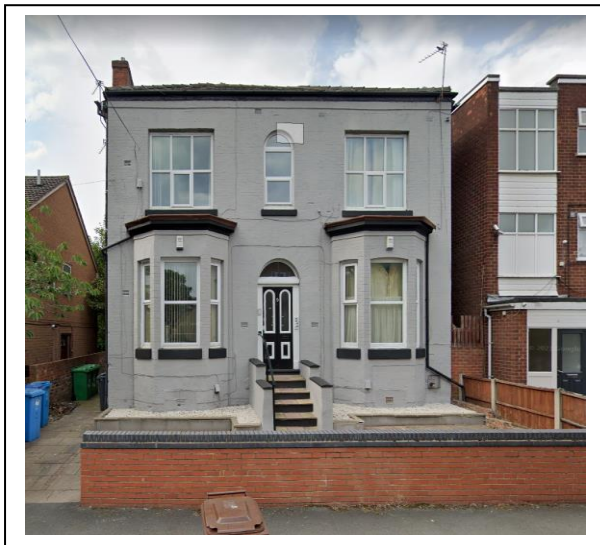


Fig 2 – Location Plan



The appeal site is located within a predominately residential area close to further education campuses and is therefore popular with students.

The property is not a listed building nor is it within a conservation area or the greenbelt.

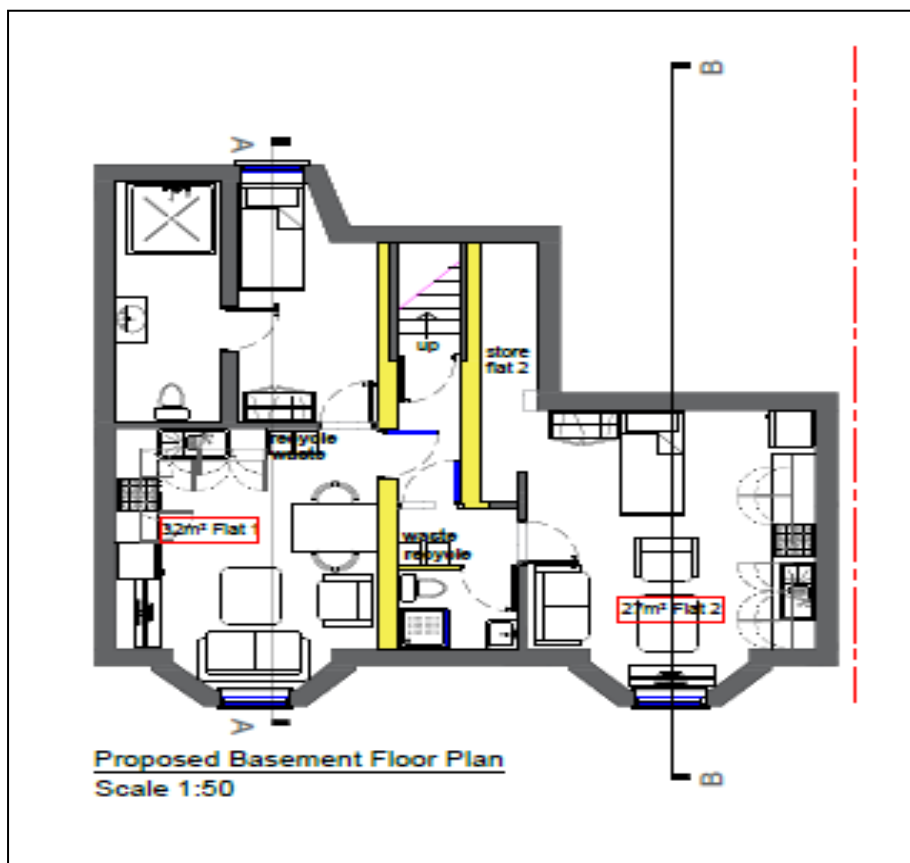
3.0 PROPOSAL

3.1 The Appellant sought Planning Consent from Manchester Council for the Conversion of the basement to form two self-contained flats.

Figure 3. Proposed Front and Elevations



Figure 4. Proposed Floor Plan



4.0 REFUSAL

4.1 The Application was refused planning permission on 17th June 2022 for the following reasons;

- 1) The proposed basement flat conversions would represent an over intensive use of the property. The standard of accommodation, demand for car parking, associated noise and disturbance of additional occupiers would be detrimental to the amenity of future occupants of the development proposed and the residential occupiers in the area. The proposed development is therefore contrary to Policies SP1 and DM1 of the Manchester Core Strategy and extant Policies DC5 of the Unitary Development Plan for the City of Manchester.

5.0 POLICY

5.1 Manchester Core Strategy

Policy SP 1 - Spatial Principles

The key spatial principles which will guide the strategic development of Manchester to 2027 are:

- The Regional Centre will be the focus for economic and commercial development, retail, leisure and cultural activity, alongside high quality city living.
- The growth of Manchester Airport will act as a catalyst for the regional economy, and will also provide the impetus for a second hub of economic activity in this part of the City.
- Beyond these areas, the emphasis is on the creation of neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs, all in a distinct environment. The majority of new residential development in these neighbourhoods will be in the Inner Areas, defined by the North Manchester, East Manchester and Central Manchester Regeneration Areas.
- The City is covered by regeneration areas including the City Centre. All development should have regard to the character, issues and strategy for each regeneration area as described in the North, East, Central and South Manchester and Wythenshawe Strategic Regeneration Frameworks and the Manchester City Centre Strategic Plan.
- The City's network of open spaces will provide all residents with good access to recreation opportunities. The River Valleys (the Irk, Medlock and Mersey) and City Parks are particularly important, and access to these resources will be improved.
- New development will maximise the potential of the City's transport infrastructure, in particular promoting walking, cycling and use of the public transport. The extension to the Metrolink network through the Oldham and Ashton lines will create key corridors for new development.

Core Development Principles

Development in all parts of the City should:-

- Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
- making a positive contribution to the health, safety and wellbeing of residents considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- protect and enhance the built and natural environment.
- Minimise emissions, ensure efficient use of natural resources and reuse previously developed land wherever possible.
- Improve access to jobs, services, education and open space by being located to reduce the need to travel and provide good access to sustainable transport provision.

Policy DM 1 - Development Management

All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

Appropriate siting, layout, scale, form, massing, materials and detail.

Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.

Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Community safety and crime prevention.

Design for health.

Adequacy of internal accommodation and external amenity space.

Refuse storage and collection.

Vehicular access and car parking.

Effects relating to biodiversity, landscape, archaeological or built heritage.

Green Infrastructure including open space, both public and private.

The use of alternatives to peat-based products in landscaping/gardens within

development schemes.

Flood risk and drainage.

Existing or proposed hazardous installations.

Subject to scheme viability, developers will be required to demonstrate that new development incorporates sustainable construction techniques as follows (In terms of energy targets this policy should be read alongside policy EN6 and the higher target will apply):-

a) For new residential development meet as a minimum the following Code for Sustainable Homes standards. This will apply until a higher national standard is required:

Year 2010 – Code Level 3;

Year 2013 - Code Level 4;

Year 2016 - Code Level 6; and

(b) For new commercial developments to demonstrate best practice which will include the application of the BREEAM (Building Research Establishment Environmental Assessment Method) standards. By 2019 provisions similar to the Code for Sustainable Homes will also apply to all new non-domestic buildings.

DC5.1 In determining planning applications to convert property to flats, the Council will have regard to:

- a. the standard of accommodation for the intended occupiers of the premises;
- b. effects on adjoining houses as a result of noise from flats passing through party walls and affecting adjoining houses;
- c. adequacy of car parking, off-street car parking being normally required where practicable, and essential where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created;
- d. general effects on the character of the neighbourhood, including the extent to which flat conversion schemes are a new or an established feature of the immediate area, avoiding the loss of front gardens and the retention of existing trees and shrubs;
- e. adequate private outdoor amenity space;

- f. the desirability of achieving easy access for all, including disabled people (as a minimum, access for disabled people will normally be required in conversions of ground floor accommodation);
- g. the satisfactory provision of refuse storage and collection facilities.

DC5.2 There will be a general presumption in favour of flat conversions within residential areas, on the upper floors of businesses within commercial areas and in properties on main road frontages, subject to other relevant policies of the Plan. They will be particularly welcome where large, old, difficult to re-use properties are involved, and where proposed schemes provide investment enabling the retention and improvement of housing stock.

DC5.3 Notwithstanding policy DC5.2, the Council will normally refuse permission for any developments in this category which:

- a. do not provide accommodation to the Council's current approved standards;
- b. are in tightly-packed residential streets where there is no scope for off-street car parking and where there is already an acknowledged problem of on-street congestion;
- c. involve conversion schemes without adequate private external amenity space;
- d. are schemes without satisfactory refuse storage and collection facilities.

DC5.4 In determining applications of this kind, the Council will give particularly careful consideration to situations in which the conversion of small terraced properties are proposed; and where a scheme is the first in a street of otherwise single family dwellings, the Council will give weight to the desirability of maintaining the character of the street in that respect.

6.0 ASSESSMENT

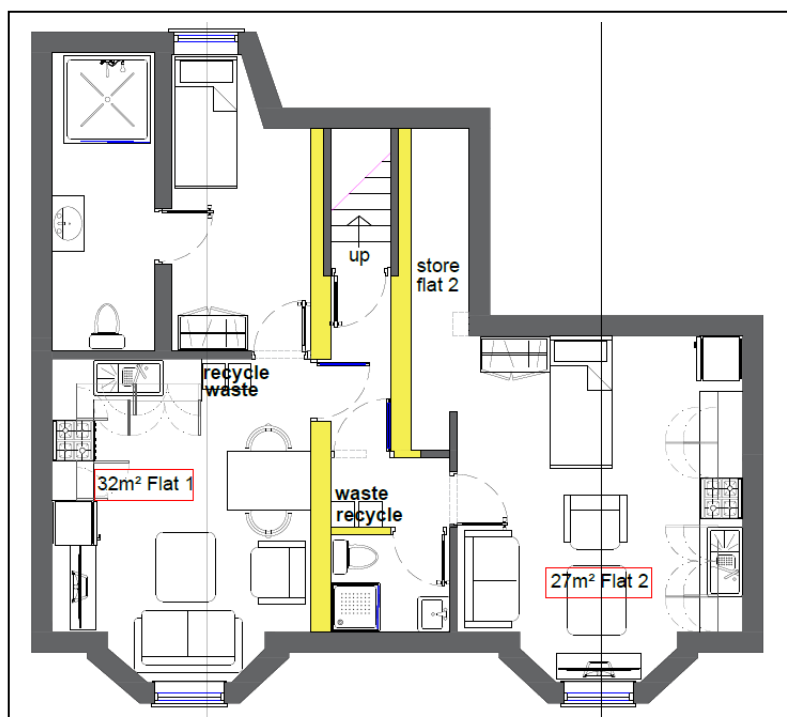
6.1 With reference to the Decision Notice issued by the Local Planning Authority, it is considered the main issues of the appeal are:

- The standard of accommodation for occupiers of the two additional flats
- Impact of the development on the amenity of future occupants and neighbouring dwellings
- Demand for car parking

6.2 Flat 1 is shown to have an internal floor area of 32m² which provides a bedroom, bathroom, and living/dining space. Flat 2, at 27m², provides a bathroom, open plan living area and storage.

Whilst the floorspace may fall short of the arithmetic calculations of the guidance, they would nevertheless be of a sufficient size to accommodate all essential kitchen and bathroom amenities. Furthermore, both proposed flats comfortably accommodate furniture required to provide an acceptable level of comfort and amenity, as shown in

Figure 5. Proposed Floor Plan



6.3 Furthermore, the space within each flat is comparable to that of the existing flats on the ground, first and second floor of the host building. If living conditions were unacceptable it is reasonable to assume the building would lack tenants which would not be consistent with the Appellant undertaking additional works to convert the basement to additional flats.

6.4 The Case Officers Report also refers to the impact on the occupier of the rear window serving the proposed bedroom:

“The area, directly outside the proposed rear bedroom window, which currently comprises a gravelled shared amenity space area would still serve as outside amenity space for the occupiers of all the flats. It is highly likely that the future occupier would experience some form of loss of privacy and noise and disturbance outside their bedroom window, from potential activities undertaken. Which according to the comments received from both South East Fallowfield Residents Group (SEFRG) and the Fallowfield Guardians, parties in rear gardens appear to be problematic in the area.”

The quoted section does not provide any evidence to support the assertion that there would be an impact from noise and disturbance, merely a reference to the comments received that *“parties in rear gardens appear to be problematic in the area”*. This does not explain what the problems are, nor if there is a specific issue at the host property.

In the absence of any evidence to the contrary it is considered there would be no such issue.

6.5 The Case Officers Report also suggests that *‘the number of bins in use would likely create noise and disturbance that would have a negative impact on the amenity of flat 1 especially on collection day’*. To state that the noise from additional bins on collection day would have a negative impact on the amenity of flat 1 is considered to be an exaggeration of its impact.

On collection day the bin will be moved into place for collection – with all the existing bins – and the bins would then be moved back within the Appeal Site following collection of the waste. Any impact from this would likely be for a few seconds on each collection day.

6.6 In respect of the impact of two additional flats within the building, the decision notice directly contradicts the detail within the Case Officers Report, which states:

“Although there is residential accommodation on the upper floors above the proposal and the proposal would intensify the use of the building through the provision of two extra flat it is considered that the comings and goings of two additional household would not have an impact on the amenities of residents of other nearby properties.”

It is considered this is not a typographical error given how the paragraph is worded.

Furthermore, if it was the case that the LPA considered there to be an impact on the amenities of residents of other nearby properties it is reasonable to expect there would be greater detail within this section of the Case Officers Report to substantiate this.

6.7 As can be seen from the plans, it is reasonable to assume each flat would be occupied by a single person which would result in a maximum of two additional residents within the host building. As there building already accommodates 5 flats, it is considered an increase to 7 would not have a detrimental impact on the amenities of residents of other nearby properties.

6.8 In respect of the refusals reference to the impact on parking demand, the NPPF is clear that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*.

In this instance there would be an absolute maximum of two additional vehicles requiring parking, however, given the site is *‘sustainably located close to shops, services and*

alternative methods transport, including, bus, tram and rail services, as well as opportunities for cycling and walking' it is considered this would be unlikely.

Furthermore, there is no objection to the development from the Highways consultee

6.9 In light of the details set out above, it is respectfully asked that the appeal is allowed and planning permission be is granted.

7.0 CONCLUSION

7.1 The National Planning Policy Framework (NPPF) states in paragraph 10 to ensure that “sustainable development is pursued in a positive way, at the heart of the framework is a presumption in favour of sustainable development”. The proposal comprises sustainable development when considered against guidance in the NPPF. The framework advises that developments should respond to local character and history and reflect the identity of local surroundings and materials, whilst not discouraging appropriate innovations.

7.2 It has been evidenced in the assessment above that the proposed development would not result in the harm considered by the Local Authority and that it does conform in all regards to the Councils Development Plan and guidance within the National Planning Policy Framework.

7.3 It is respectfully requested that the appeal is upheld and permission granted for the proposed development subject to appropriate conditions.