
REPORT OF The Strategic Director Place

TO THE PLANNING AND TRANSPORTATION REGULATORY PANEL
ON
6th February 2020

TITLE: PLANNING APPEALS

RECOMMENDATION: That the report be noted

EXECUTIVE SUMMARY: To set out details of appeals received and determined

BACKGROUND DOCUMENTS: (Available for public inspection)

Details of the applications are available on the Council's Public Access Website

<http://publicaccess.salford.gov.uk/publicaccess/default.aspx>

If you would like to access this information in an alternative format, please contact the planning office on 0161-779 6195 or e-mail planning.contact@salford.gov.uk

KEY DECISION: NO

DETAILS: See attached schedule

KEY COUNCIL POLICIES: Performance Management

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:N/A

ASSESSMENT OF RISK:N/A

SOURCE OF FUNDING: N/A

LEGAL IMPLICATIONS Supplied by N/A

FINANCIAL IMPLICATIONS Supplied by N/A

OTHER DIRECTORATES CONSULTED:N/A

CONTACT OFFICER: Liz Taylor 0161 779 4803

WARD(S) TO WHICH REPORT RELATE(S): As indicated in the attached schedule.

ENFORCEMENT

APPEAL AGAINST ENFORCEMENT NOTICE. CASE No. 18/00267/WPP3 DWELLING SPLIT INTO 2 FLATS, 69 PARRIN LANE, ECCLES, M30 8AY

On 1st July 2019 an enforcement notice was served on the owner of 69 Parrin Lane, Eccles, M30 8AY in relation to the material change of use of the property from use as a single dwelling to 2 flats without planning permission. The requirements of the notice were:

- (i) Cease the use as two flats;
- (ii) Restore the property to its former condition, configuration and use as a single dwelling.

The period for compliance with the requirements was (i) 7 days and (ii) 120 days.

Following receipt of a planning enforcement complaint the owner was asked to submit a retrospective application for change of use, in order to give the Council an opportunity to consider all aspects of the development, in particular the potential of the development cause harm to the residential amenities of adjoining properties by virtue of causing additional and unwarranted noise in bedroom environments where there is a juxtaposition with living accommodation in the upper flat.

The owner did not make a retrospective application and thus he was served with a planning enforcement notice.

He appealed the enforcement notice on ground (a), that planning permission ought to be granted.

The inspector allowed the appeal on 21 January 2020.

- She considered that the main issues were: The effect on the living conditions of existing and future occupiers of the development and occupiers of the nearby properties with regard to noise, disturbance and parking arrangements;
- The effect on highway safety with regard to parking provision.

She observed:

‘ that due to the layout of the rooms it appears that the lounge of the first-floor flat is directly above the bedroom of the ground floor flat and the bedroom of the first-floor flat is directly above the lounge of the ground floor flat. Moreover, the lounge of the first-floor flat adjoins the party wall with the other half of the semi-detached dwelling. It is more than likely that the room on the other side of the party wall is used as a bedroom. In my experience, the noise generated by the movements in and the use of the lounge areas could result in noise and disturbance that potentially could result in adverse impacts on the living conditions of the existing and future occupiers of both flats and the adjoining dwelling. Nevertheless, in my experience, a scheme of acoustic insulation that could be installed to the walls and floors affected would mitigate and minimise these potential adverse impacts. I have no evidence to indicate that such a scheme has been carried out as part of the development. However, I note that the Council has suggested that it would be possible to require, through the imposition of planning conditions, a scheme of acoustic insulation to be approved and implemented within a set time limit if I was minded to allow the appeal. I consider that this would ensure that there would be no adverse impact on the living conditions of the occupiers of the adjoining dwelling and the development.’

and

'No off-street parking is available to the occupiers of the development. At the time of my site visit (middle of the day) I also noted that there was a moderately high demand for on-street parking spaces in nearby streets, to the north of the site. I acknowledge that levels of parking in the evening when some residents return from work is likely to be higher. Any overspill parking from the development could be competing for space with other on-street parking and could occur in front of another occupier's property.'

In allowing the appeal (thereby granting planning permission), she made it subject to the following condition:

'1) Unless within 3 months of the date of this decision a scheme for the acoustic insulation to be applied to the first floor party wall between 69 and 67 Parrin Lane and to the party floor between the 2 self-contained flats, is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within 3 months of the local planning authority's approval, the use of 69 Parrin Lane as 2 self-contained flats shall cease until such time as a scheme is approved and implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.'

A letter was sent to the appellant on 24 January, reminding him of the need to adhere to this timetable.