



Appeal Decision

Site visit made on 22 March 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2022

Appeal Ref: APP/B4215/W/21/3287357

18 Bury Old Road, Manchester M8 9JN

- 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 Abdullah Khan of Ariana Superstore and Bakery against the decision of Manchester City Council.
 - The application Ref 128922/FO/2020, dated 18 November 2020, was refused by notice dated 30 July 2021.
 - The development is the installation of a canopy to the Bury Old Road elevation, together with elevational alterations and installation of roller shutters.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a canopy to the Bury Old Road elevation, together with elevational alterations and installation of roller shutters at 18 Bury Old Road, Manchester M8 9JN in accordance with the terms of the application, Ref 128922/FO/2020, dated 18 November 2020, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 18/20-15 Rev A, 18/20-03 Rev F and 18/20-05 Rev E.

Preliminary Matters

2. At the time of my site visit the changes to the front and side elevations, canopy and roller shutters were present on site. This appeal therefore seeks retrospective permission for the development, and I have determined the appeal accordingly.
3. Through the planning application process the scheme was amended to remove a proposed rear extension serving a staircase and boundary treatments. I have not therefore considered these matters further. The description in the header above has been taken from the appellant's appeal form, and I note that it was also used by the Council in their decision notice. I have amended the description to remove the phrase retrospective, as this is not a description of development.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is within a commercial area which is characterised by a broad range of buildings and architectural styles. Due to the high level of commercial signage and paraphernalia the street scene has a vibrant character. During my site visit I noted a number of buildings with various canopies and overhangs. This included the immediately adjoining shop where I understand the canopy is now lawful. I also noted a significant number of properties with visible shutters or shutter housings.
6. As referred to above, the canopy along the front of the shop has been erected, it is formed of pitched corrugated-metal sheets above a smooth metal fascia supporting advertising for the associated shop. The fascia is very simple in appearance and, with its advertising, results in a feature akin to others near the appeal site. In terms of the corrugated roof, its form is very similar to the existing canopy at the adjoining shop, however, as it is above eye-level and screened by the fascia, it is less prominent. Therefore, and given the above, the overall appearance of the canopy is of a simple and functional feature that is in keeping with the character and appearance of the wider area, including the major radial route.
7. At the time of my visit the shop was open and fruit and veg had been set up outside on stands and tables. These, along with the canopy and fascia screened the shutter housing, on the front of the building, from view. Whilst I was able to see the shutter housings, this was only when I went under the canopy, which is in a fixed position. Although the shutters are likely to be more prominent when closed and when the goods on display are removed, shutters are nevertheless a common feature within the street scene. Therefore, and even though the shutters to the side of the property are not screened, as shutters are a common feature within the street scene, they do not harm the character or appearance of the area.
8. Although Cheetham Hill Road is characterised by linear rows of shops, and whilst there are short terraces of similarly positioned buildings, it did not present a strong building line. The presence of overhangs, canopies, projections and recesses, on the appeal site side of the road, create a busy and interesting frontage. Although the canopy is set forward of the building, it ties into the irregular pattern of frontages, including the canopy next door and overhang on the opposite side of Crescent Road.
9. In light of the above, by way of its design and appearance, the development is in keeping with its surroundings and is not detrimental to the character and appearance of the area. The development therefore complies with Policy E3.3 of The Manchester Plan: The Unitary Development Plan for the City of Manchester (July 1995) and Policies DM1, EN1 and SP1 of Manchester's Local Development Framework: Core Strategy Development Plan Document (July 2012). These policies collectively, and amongst other matters, require that development makes a positive contribution to its surroundings, is appropriate with regard to siting, form, materials and detail and protects the appearance of key transport routes. It also complies with the design and appearance aims of the National Planning Policy Framework (the Framework), including Paragraph 130.

Conditions

10. I have had regard to the conditions suggested by the Council and the advice on planning conditions set out by the Framework and the Planning Practice Guidance. In the interests of clarity and enforceability I have made some changes to the wording. A condition is necessary, for certainty and for the purposes of enforcement, requiring that the development is carried out in accordance with the approved plans.
11. A set of conditions regarding external lighting for digital advertising boards have also been suggested. The existing advertising has been dealt with under a separate application and this scheme does not include any advertising or lighting. Therefore, such a condition would be unnecessary to protect the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons given I conclude that the appeal should succeed.

Samuel Watson

INSPECTOR