



NEXT PHASE

THE TOWN PLANNING EXPERTS

Submission to the Planning Inspectorate

Statement of Case due to the refusal of planning permission in accordance with
Section 78(1) of the Town and Country Planning Act 1990

Local Planning Authority: Manchester City Council
Application No: 131958/FO/2021

Statement of Case to the Planning Inspectorate for the installation of a glazed
retractable awning structure to the flat roof to create an outdoor terrace area at 60
Beech Road, Manchester, M21 9EG

STATEMENT OF CASE

On behalf of Loca Shading Designs Ltd

February 2022



1007/01

Statement of Case – 131958/FO/2021

STATEMENT OF CASE

Statement of Case to the Planning Inspectorate for the installation of a glazed retractable awning structure to the flat roof to create an outdoor terrace area at 60 Beech Road, Manchester, M21 9EG

Loca Shading Designs Ltd

February 2022

Author	Christopher Whitehouse MRICS BSc (Hons) RICS Accredited Expert Witness Chartered Planning and Development Surveyor
Report Status	Final
Date of Issue	February 2022
DISTRIBUTION	
Date	Issued To:
February 2022	Planning Inspectorate
February 2022	NextPhase Development Ltd
February 2022	Loca Shading Designs Ltd
N.B	This report has been produced by NextPhase Development Ltd within the terms of the contract with the client and taking account of the resources devoted to it by agreement with the client's representatives. We disclaim any responsibility to the client and others in respect of matters outside the scope of the above. We accept no responsibility of whatsoever nature to third parties to who this report, or part thereof, is made known. NextPhase Development Limited Registered in England and Wales No: 7525574.

CONTENTS

Item	Description
1.0	Introduction
2.0	Statement of Case
3.0	Conditions of Planning

1.0 INTRODUCTION

- 1.1 This Statement of Case has been prepared for the attention of the Planning Inspectorate in accordance with Section 78(1) of the Town and Country Planning Act 1990 on behalf of the appellant, Loca Shading Designs Ltd.
- 1.2 This report provides a statement of case against the refusal of planning permission issued by Manchester City Council (*“the Council”*) on 21st January 2022 in accordance with the Town and Country Planning Act 1990 and the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.3 Planning permission is sought to install a glazed retractable awning structure to the flat roof of the existing restaurant in order to create an outdoor terraced area at the property known as 60 Beech Road, Manchester, M21 9EG.
- 1.4 This statement provides a clear explanation of the statement of case and directly responds to the reasons for refusal brought forward by the Council within their Decision Notice.
- 1.5 This appeal has been prepared with the intention of appealing via the written representations route and refers to documentation throughout that formed part of the application submission and is noted in the appeal submission documentation list where appropriate. This includes, but is not limited to, the accompanying Design and Access Statement and Heritage Statement submitted as part of the original planning application.

2.0 STATEMENT OF CASE

2.1 Reasons for Refusal

The Council refused the application for two reasons which are contested by the appellants and as such the statement of case against these reasons for refusal are outlined within this chapter.

2.2 Reason for Refusal 1 Detail

“The proposed glazed retractable awning structure by reason of its scale, bulk, massing, size, design would form an overly dominant and visually obtrusive feature within the street scene, and would be incongruous with the character of the area in general and within the Wilbraham Road/Edge Lane (Extension) Conservation Area, which would also have an overbearing appearance to neighbouring occupiers to the detriment of visual amenity and as such is contrary to saved Policy DC18 of the Unitary Development Plan for the City of Manchester and Policies SP1, EN3 and DM1 of Manchester's Core Strategy Development Plan Document and the NPPF”.

2.3 The Council considered that the proposal by way of its introduction would offer harm to the character of the streetscene and the conservation area. It is the appellant's assertion that the proposal offers a lightweight and appropriately scaled provision of architectural design that provides a substantial socioeconomic benefit to the restaurant building and a negligible impact to the conservation area by way of its introduction.

2.4 Consideration can be given to the Delegated Officer's Report in order to ascertain the Council's determination as to the level of harm created by the proposal to the conservation area.

- 2.5 There is a recognition, through lack of commentary on it, that the building itself has been subject to a substantial provision of change across the period of time for which the site has been identified as the Wilbraham Road/Edge Lane (Extension) Conservation Area.
- 2.6 Whilst the original two storey brick terrace was built in the late 19th century, the building has been subject to a substantial provision of aesthetic change across the period since, most of all within the course of the previous five years, wherein aesthetic changes in order to create a more commercially modernist appearance for the benefit of a restaurant have been implemented within ground floor detailing associated with development, further to the introduction of the extended area which have been substantially renovated with regard to its aesthetic appearance.
- 2.7 The result is, in a context of the site being located within a shopping parade and not itself a listed feature, that the original brick building has been subsumed by a materiality consisting of glazing and cladding which has otherwise been considered to be an appropriate and attractive contributor to the economic provisions of the shopping parade for the local area. It can be reasonably concluded, by way of lack of objection otherwise, that the existing materiality associated with the restaurant building is considered to be an appropriate provision of architectural design for the context of its location.
- 2.8 The starting point from the prospective of impact upon the conservation area therefore is that the existing building, its scale and materiality are all considered to be an appropriate contributor to the existing conservation area.
- 2.9 The proposed extension brings forward a much more lightweight feature by comparison to the existing solid appearance associated with the ground floor under which it is located; this has been purposely designed so as to a) take advantage of the
-

- retractable nature of the awning structure itself but b) so as to provide a clear degree of subservience by way of the lightweight nature of materials by comparison to the existing building itself.
- 2.10 The use of powder coated aluminium louvred, insulated awning with parapet glass with a singular timber clad rear wall, provide a distinct provision of materials that are considered to be lightweight by comparison to the existing brick, glazing and timber cladding associated with the aesthetic of the extant building.
- 2.11 The subservience is further reiterated in its design by way of the flat roof, which has been designed so as to sit purposely below the roofscape associated with the existing building, so as to read subserviently to it within the context of the appearance with the conservation area.
- 2.12 In terms therefore of the aesthetic impact associated with development upon the conservation area by way of its context in the local shopping area, the extension maintains a substantial degree of subservience to the dominating roofscape of the local shopping area by sitting below it, making use of a different roof scale, and using materials that are lightweight by comparison.
- 2.13 With regard the secondary consideration of impact upon the conservation area, that is the impact of the introduction of the extension with regard the visual loss of views along Acres Road from Beech Road as a result of its implementation; the position taken by the Local Authority in this regard has failed to take into consideration the dominant context associated with the three storey mixed use development block located on the opposing side of Acres Road, which in being three storeys and flat roofed, and distinctly set back from the highway, is the clear dominating physical structure within any visual context wherein the proposed extension is located.
-

- 2.14 Any viewpoints from Beech Road northwards along the visual landscape of Acres Road are dominated by this building and given the separation between the appeal property and the residential properties to the rear of it, the introduction of a first floor extension offers no visual change to the context of the vista from this viewpoint.
- 2.15 From the perspective therefore of the visual impact of the extension upon the conservation area within the context of the local shopping parade, the extension has demonstrated its distinct subservience to the character and appearance of the shopping parade by way of its scale and materiality.
- 2.16 With regard the impact of the extensions upon viewpoints from Beech Road towards Acres Road, it is considered that the extensions offer no great change of the visual context in this regard, insofar as such a context is already dominated by way of the three storey adjacent development on the opposite side of the road, and would not become more impacted upon by way of the extension's introduction.
- 2.17 In terms of the basis upon which the Council have determined that the proposal is harmful to the context of the Wilbraham Road/Edge Lane (Extension) Conservation Area therefore, it is the appellant's case that the proposal does not bring forward any degree of harm in this context and certainly no harm that is considered to be "*less than substantial*" to the character and appearance of the conservation area so as to require consideration of public benefits to outweigh this harm in accordance with the Framework in giving due consideration to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 2.18 It is the appellant's position that in considering the potential impact of the proposal with regard to paragraphs 199/202 of the Framework, that the proposal maintains the significance of this heritage asset by offering no harm to the conservation area by way
-

- of its introduction and as such offers no provision of harm that requires a degree of public benefit so as to outweigh its introduction.
- 2.19 In this regard therefore the proposal accords with the expectations of Saved Policy DC18 of the Unitary Development Plan for the City of Manchester, together with Policies SP1, EN3 and DM1 of Manchester's Core Strategy.
- 2.20 Reason for Refusal 2 Detail
- "It is considered that the hours of operation proposed and the design of the structure proposed would lead to an increase in noise and activity and a loss of privacy which would have an adverse impact on the residential amenity of the occupiers of the neighbouring property, contrary to Policies SP1 and DM1 of the Core Strategy and Saved Policies DC26 the Unitary Development Plan".*
- 2.21 In reviewing the Delegated Officer's Report, it is identified that it is considered the proposal by way of its design offers noise impacts towards the surrounding area and a potential loss of privacy on adjacent residential amenity.
- 2.22 With regard context of noise, it should be noted that the existing restaurant is located within the context of a local shopping parade that contains a number of late opening hours uses including all the restaurants, and within which the existing restaurant has permission to open between 8.00am and 11.30pm Sunday to Thursday and 8am and Midnight on Fridays and Saturdays. The context of the immediate locality therefore is of an area that has an evening and night time economy and the baseline of associated noise attributed as such.
- 2.23 The proposed extension brings forward the provision of an additional 40 covers within a predominantly enclosed space, immediately adjacent to the context of the existing
-

- restaurant area and in a corner context to the existing commercial baseline attributed to the local shopping parade.
- 2.24 The proposal has taken into context a requirement to provide a degree of mitigation with regard to noise impacts, and this has informed the more permanent rear timber treatment of the extension and informed the measures that have been taken to the materiality afforded to the retractable awning itself, the details of which are included within the technical note provided as part of the submission.
- 2.25 Whilst it could be reasonably ascertained that the proposed covers will provide a degree of noise, it is the appellant's case that the combination of the materiality of the extension, together with the existing baseline attributed to this commercial area with a night time economy, is such that the baseline noise environment will not be heightened to an extent whereas it offers an increased provision of a measurable harm beyond the existing baseline.
- 2.26 It is the appellant's case therefore that whilst the proposal would offer a degree of noise by way of its introduction, this noise level sits within the context of an existing restaurant and commercial mixed use area, wherein such additional contributors of noise, would not change the existing noise environment.
- 2.27 With regard to the impact upon residential amenity, the proposal by way of its design offers a negligible impact upon all residential units northwards along Acres Road, insofar as they would face a timber clad wall with no overlooking impact.
- 2.28 Any interrelationship of the proposal with residential units therefore is limited to the upper floors of the setback and adjacent three storey mixed use building located on the opposite side of Acres Road.
-

- 2.29 Such is the positioning of the windows, and the setback nature of the adjacent building by comparison to its context with the extension area, that the interrelationship between the two buildings is negligible and the window positioning afforded to the one window in question, the third floor side elevational window of the adjacent block, is of a higher vantage point so as to offer a limited degree of interrelationship between the two units; wherein the predominant interrelationship is the residential unit looking down into the commercial unit rather than the other way round.
- 2.30 The adjacent building has clearly been designed so as to be able to provide residential units harmoniously within the context of a commercial area, and it is considered that the proposed extension to the appeal property bears no consequence with regard this proposed approach.
- 2.31 Overall therefore it is concluded that the proposal offers no measurable impact to residential amenity or to neighbouring property with regard Policies SP1 and DM1 of the Core Strategy and Saved Policy DC26 of the Unitary Development Plan.
- 2.32 The proposal brings forward a substantial provision of socioeconomic benefits of the wider area, by increasing the commercial viability of an existing restaurant commercial entity within the context of the local shopping parade, so as to improve upon its socioeconomic contribution directly and indirectly to the wider area.
- 2.33 In doing so, the proposal brings forward economic benefit to the context of its location which proportionately offers a greater contributor of benefits than the proposal offers a contribution of harm.
- 2.34 On balance therefore the proposal, further to according with the expectations of the Development Plan as outlined above, brings forward a proposal that is considered to
-

meet the three arms of sustainability as set by the Framework and can be defined as sustainable development that which is supported by the Framework.

- 2.35 It is respectfully requested therefore that the appeal is upheld, and planning permission is granted for the proposal.

3.0 CONDITIONS OF PLANNING

- 3.1 It is considered that the standardised conditions with regards to timeframes and plans should be adopted. Pre-commencement conditions to confirm the specification of facing materials is also considered to be reasonable and appropriate.

(This page is intentionally blank)



www.nextphase.dev

Head Office: 8 Bore Street, Lichfield, Staffordshire, WS13 6LL
Tel: 01543 571718 | Email: c.whitehouse@nextphase.dev

Company No: 7525574. | VAT No: 156185595 | Registered in England and Wales



NEXT PHASE

THE TOWN PLANNING EXPERTS

HEAD OFFICE:

NextPhase Development Ltd
8 Bore Street
Lichfield
Staffordshire
WS13 6LL
tel: 01543 571718

mail@nextphase.dev
www.nextphase.dev

