



Chartered Town Planners & Architectural Technicians

**APPEAL UNDER SECTION 78 OF THE TOWN &
COUNTRY PLANNING ACT 1990**

**Erection of a single storey dwellinghouse with associated car
parking and boundary treatment.**

Appeal by: Mr. Rose.

Property Address: 133-135 Kenyon Lane, Manchester, M40
9DL.

Planning Authority Ref: 132035/FO/2021.

February 2022

1.0 INTRODUCTION

1.1 This appeal statement is submitted on behalf of Mr. Rose (the appellant) in respect of the refusal of planning permission by Manchester City Council for development comprising the erection of a single storey dwellinghouse with associated car parking and boundary treatment at 133-135 Kenyon Lane, Manchester, M40 9DL. The appellant has retained the services of **4D Planning** to make this appeal.

1.2 The application was received by the Council on the 26th October 2021. The application was determined on the 20th December 2021.

1.3 Planning permission was refused for the following sole reason:

“1) The erection of the single storey dwelling would constitute an overdevelopment of the application site resulting in a cramped and obtrusive form of development with limited setting and space to the building. The proposal would fail to contribute positively to the character and visual amenity of the local area which is contrary to policies SP1, EN1, H1 and DM1 of the Manchester Core Strategy (2012), the Guide to Development in Manchester SPD and the National Planning Policy Framework”.

2.0 SITE DESCRIPTION AND SURROUNDINGS

2.1 The planning application relates to an area of land to the side of No. 133-135 Kenyon Road. No. 133-135 is a modest semi-detached two storey dwelling located between Kenyon Lane and Deanway. It has a soft landscaped front curtilage area, and a generous garden area directly to the north of the dwelling. There is a triangular shaped garden area to the south east of the dwelling that is largely superfluous to the dwelling and is both physically and visually distinct and separated from the main dwelling.

2.2 The application site relates to the triangular shaped garden area to the south east of the main dwelling. It has a generous area of approx. 171m². A thick mature hedgerow surrounds much of it.



Figures 1-2: (Left) site when viewed from Kenyon Lane. Note how it is cut off from main property. (Right) site when viewed from Deanway. Note how it is cut off from streetscene.

2.3 The area surrounding the site is mixed use in nature reflecting its location not far from Harpurhey District Centre. Within 400m (five minutes walking distance) there is church, schools, parish hall, care home, pharmacy, convenience grocery shop, and several restaurants / take-aways. Parking is available on both sides of Kenyon Lane. In terms of public transport, Kenyon Lane is serviced by bus route numbers 114, 151, 704, 718, 724, 726 and 849. With regards to cycle paths, National Cycle Network Route 66 runs nearby. The site is therefore centrally located to day-to-day facilities, services and amenities.

2.4 Whilst there is a degree of consistency in dwelling scale and form nearby, it is very apparent that many dwellings in the area have been extended, altered and personalised in varying ways. There is also significant variety in the scale and appearance of structures in rear curtilages ranging from small sheds to quite modest permanent structures.

2.5 The site is located within Flood Zone 1 and at low risk of flooding. There are no known risks of contamination on site.

3.0 PROPOSED DEVELOPMENT

3.1 The proposed development is for the construction of a modest 1 bed / 2 person bungalow. It would front Kenyon Lane.

3.2 As a result of the proposed development, the rear curtilage to No. 1046 would be reduced although it would be left with a private rear garden area of approx. 80m² (in addition to front curtilage space), however such a garden

size is very characteristic of the area and indeed many surrounding properties have gardens area quite a bit smaller than this (refer to Figure 3 below).



Figure 3: Analysis of garden sizes in vicinity of site.

3.3 Notwithstanding that on-street parking is available on Kenyon Lane and Deanway, one on-site parking space would be provided for. There is ample space for the storage of bins to the front or side (east) of the proposed dwelling.

3.4 The proposed dwelling is in response to a need identified by the applicant for high quality and modest size accommodation.

4.0 PLANNING HISTORY

4.1 A planning application was refused for similar development as now proposed under application Ref. No. 131434/FO/2021. The current scheme is submitted to overcome the refusal reason of 131434/FO/2021 with changes including enlargement of the plot, addition of more amenity space, and greater spacing between the building and the boundary.

4.2 It is further noted that pre-planning was sought with regards development on the site prior to making any planning application. The applicant has sought to respond to Planning Authority feedback at all times and it is

genuinely considered that the latest scheme is a well considered and resolved design response to feedback from the Planning Authority.

5.0 PLANNING POLICY AND GUIDANCE

National Planning Policy Framework (2021)

5.1 The National Planning Policy Framework 2021 (NPPF) seeks to promote a wide choice of house types and home ownership. Para. 59 states:

“To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”

The proposed development would enhance the range of house types available in the area.

Manchester Core Strategy (2012)

5.2 Policy H1 of the Core Strategy sets out an ambitious target of achieving 60,000 new dwellings between 2009 and 2027. In addition, Policy EC4 sets out that North Manchester is expected to provide approximately 14ha of employment land.

The proposed dwelling will, in a small and incremental manner, help achieve strategic housing targets. It is also important in providing housing for significant employment growth that has, is and will continue to take place in the wider area.

Extant Unitary Development Plan Policies

5.3 There are no known Unitary Development Plan policies to prevent or discourage against a development of the nature proposed at this location.

Guide to Development in Manchester Supplementary Planning Document (2007)

5.4 Para. 27.1 of this SPD deals with a housing density and mix. It is stated:

“Density of population is a key issue if this objective is to be delivered and the Council’s aspiration is for a sufficient urban density to ensure vibrant neighbourhoods and efficient services. Different character areas will, however, have different densities of buildings and different building forms; our aim will be to ensure that there is a sufficient mix of people and activities to support and sustain strong local communities.”

The proposed development would assist in increasing residential density in what is a very sustainable location (refer to section 2 of this appeal statement above). It is without doubt in the interests of proper planning and sustainable development to site new dwellings near to where employment is and near to where facilities and services are located.

6.0 PARKING & IMPACTS ON NEIGHBOURING RESIDENTIAL AMENITY

6.1 Appendix B of the Core Strategy sets out parking standards for various land uses. None are set out for residential but notwithstanding this the proposed development can provide one on-site parking space.

6.2 Given the small scale nature of the proposal it is submitted there would be no adverse impacts to neighbouring properties as a result of the proposed development. The building is detached and well separated from adjoining buildings including No. 133-135 Kenyon Lane. It would have a low ridge height and no windows are proposed on the west elevation facing No. 133-135.

7.0 GROUNDS OF APPEAL & CONSIDERATION OF PLANNING ISSUES

7.1 It is noted at the outset that no objections were received from consultees including Highways Services and Environmental Health. The report of the Planning Officer also finds positively to the proposed development on a number of grounds:

- no objection is raised to the principle of development.
- no concerns are cited regarding design and appearance of dwelling.
- no concerns are cited regarding parking.
- no concerns are cited regarding impacts to neighbours

It is understood just one neighbour submission was received by the Planning Authority but that this related to concern about the practicalities of construction work on the site rather than any adverse impact to neighbouring properties if the dwelling was constructed.

7.2 It is considered the content of this appeal statement above addresses and debunks the Planning Authority concerns. However, and in the interests of comprehensiveness, it is considered appropriate to respond specifically to the sole reason for refusal.

Refusal Reason – dwelling would constitute an overdevelopment of the application site resulting in a cramped and obtrusive form of development with limited setting and space to the building. The proposal would fail to contribute positively to the character and visual amenity of the local area.

7.3 This refusal reason is strongly refuted. It is failed to see how the proposal can be considered overdevelopment of the site when the current site is somewhat of an anomaly – it is much larger than plots in the immediate vicinity owing to the inclusion of the triangular shaped application site which is essentially space left over after planning. As noted above the site is superfluous to the needs of No. 133-135 and is both physically and visually distinct and separated from No. 133-135. In essence it is a prime site for development of the nature proposed. An analysis of the pattern of development in the neighbouring area indicates that ‘left over’ sites such as this are not a feature of the area and indeed the contrary is more the case as continuous frontages are a noteworthy characteristic of the area

7.4 It is failed to see how the development can be considered cramped and obtrusive. The dwelling is very modest in scale and adheres to front and rear building lines of other dwellings along Kenyon Lane. Some of the existing mature hedgerow is being maintained such that to a large extent the site’s street frontage will remain unchanged save for the fact that new built form will be apparent above the hedge. It is wholly ingenuous to suggest that the dwelling would be obtrusive when it would be well distanced from neighbouring dwellings and when it would be only partially visible above the hedgerow to be maintained. The new dwelling would largely be seen against the backdrop of No. 133-135 and No’s 119-131 Kenyon Lane. The proposal does not seek to introduce a form of development or land use that does not already predominate in the area.

7.5 Contrary to the view of the Planning Authority, it is strongly contended that the development would contribute positively to the character and visual amenity of the local area. It would contribute to passive surveillance of the street, and would add visual interest to the streetscene. Minimal changes are needed to the existing site boundary. The dwelling would have ample private amenity space to the east side – this level of private amenity space is on a par with what most dwellings nearby have in terms of area.

7.6 It is a material consideration to note that under permitted development rights (Class E) there could be built a large outbuilding on the site akin to the size of the dwelling proposed. It is considered a dwelling is more beneficial to the site than an outbuilding given that it would provide much needed housing accommodation and be of more visual interest / design merit.

8.0 CONCLUSION

8.1 The application site is within walking distance of necessary day to day shops, services and facilities. The site is highly accessible and sustainable in terms of access and transport.

8.2 The site is superfluous to needs and arguably through its inactive frontage detracts significantly from the area. The proposed development would bring more active frontage to the area and add to the local population which would be to the betterment of helping to sustain local shops and services.

8.3 The proposed development is considered to be in compliance with NPPF policies, as well as the Core Strategy.