

Appeal against Manchester City Council

Refusal of Planning Application 128380/FO/2020

Rear Garden Of 1 Mitford Road

Manchester

M14 6UL

**Erection of a two storey detached dwellinghouse together
with associated landscaping and car parking**

Appellant:	Mr Mohammed Akram
Date:	12 th July 2021
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 Mohammed Akram, of Planning Application 128380/FO/2020 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 under Delegated Powers on 3rd February 2021, for the reasons outlined with the issued Decision Notice, which cites policies contained within the Councils Adopted Plan.

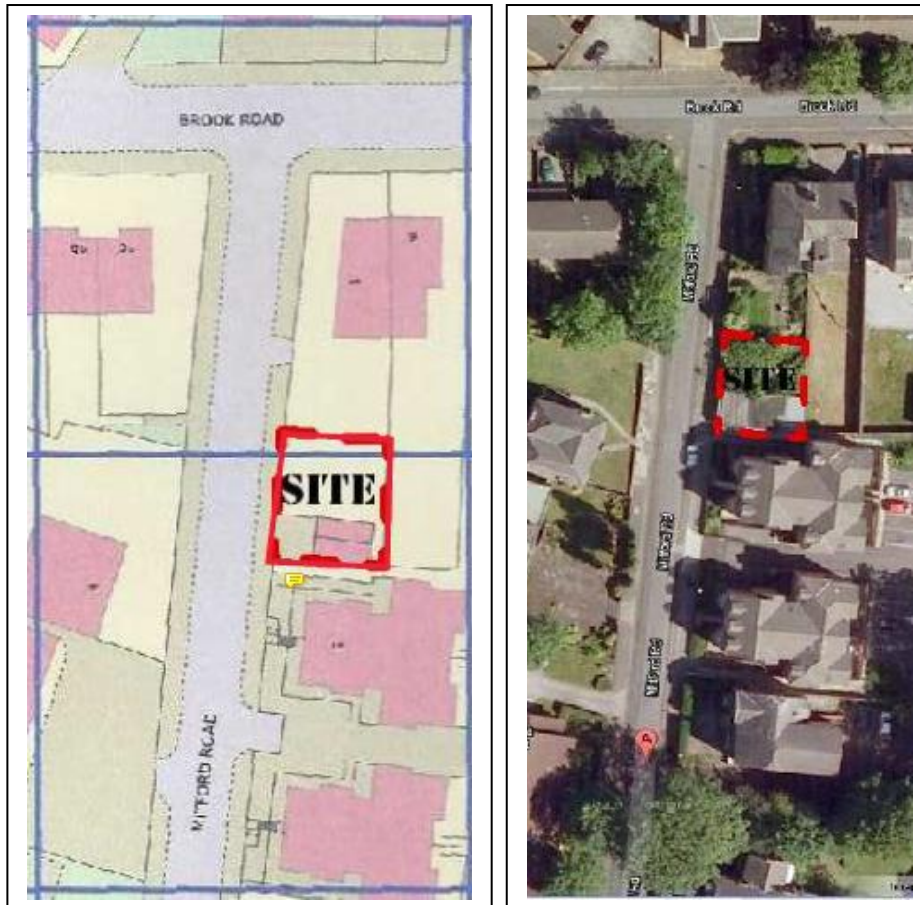
1.4 This Statement sets out the Appellant's Case and makes reasoned justification against Adopted Plan Policies cited within the Notice. This statement should be read in conjunction with the proposed plans and all other documentation submitted as part of the original planning application and attached 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 Appeal Site occupies a 183m² section of the rear garden of No.1 Mitford Road, at the southern boundary.

Figure 1. Appeal Site



2.2 The existing dwelling of 1 Mitford Road is a semi detached dwelling which occupies the corner plot at the junction of Mitford Road and Brook Road.

Figure 2. No. 1 Mitford Road



3.0 PROPOSAL

3.1 The Appellant sought Planning Consent from Manchester City Council for the erection of a two storey detached dwellinghouse together with associated landscaping and car parking.

Figure 3. Principal Elevation and Site Layout



4.0 REFUSAL

4.1 The Application was refused under Delegated Powers on 3rd February 2021 for the following reasons;

- 1) The proposed development by reason of its design and proposed pallet of materials would form an over dominant and visually intrusive feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 2) The proposed development by reason of its position on the site boundaries would have an over bearing impact on the adjacent properties to the detriment of the amenity of the occupiers of those properties. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 3) The proposed first floor windows in the rear elevation would overlook the private amenity space at the rear of residential properties on Brook Road resulting in an unacceptable loss of privacy. The proposed development is therefore contrary to the provisions of Core Strategy policies SP1 and DM1.
- 4) The proposed development fails to provide adequate private amenity space for the use of the future residents of the proposed dwelling. The proposed dwelling is therefore contrary to the provisions of Core Strategy policy DM1.

5.0 POLICY

5.1 Manchester City Council Core Strategy

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.

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.

6.0 ASSESSMENT

6.1 The Local Planning Authority have presented four reasons for refusal on the Decision Notice, however, this directly contradicts the decision made in 2013 for planning application 102424/FO/2013/S1 (referred to hereinafter as 102424).

The Decision Notice, Elevations and Floor Plans are included as Appendices I, II & III to this statement and show the schemes to be almost identical.

There are considered to be no material changes to the scheme, local planning policy or circumstances around the appeal site. Therefore, it is questioned why permission for this scheme has been refused. Furthermore, within the Case Officers Report the previous scheme is mentioned, but only insofar as *“The submitted drawings and the design and access statement were prepared in 2013 and formed the basis of a pre application enquiry at the time. The applicant was advised that in principle the development was acceptable.”*

This statement in the Case Officers Report is inaccurate given the scheme was submitted as a full application and received approval in 2013. In addition to the Appendices, as shown on excerpt from the Council's public access website (below).

Figure 4. Application 102424 Entry on Public Access Website

102424/FO/2013/S1 | Erection of two-storey detached dwellinghouse (Class C3) with associated parking | 1 Mitford Road Withington Manchester M14 6UL

★ Track

Details Comments (1) Documents (9) Related Cases (1) Map

Summary Further Information Important Dates Contacts

Reference	102424/FO/2013/S1
Alternative Reference	PP-02605182
Application Validated	Fri 21 Jun 2013
Address	1 Mitford Road Withington Manchester M14 6UL
Proposal	Erection of two-storey detached dwellinghouse (Class C3) with associated parking
Decision	Approved
Decision Issued Date	Mon 09 Sep 2013
Appeal Status	Unknown
Appeal Decision	

There are 9 documents associated with this application.

In reference to the Decision Notice, the Appellant wholly disagrees with each reason for refusal and arguments are presented below.

6.2 The first reason for refusal states *“The proposed development by reason of its design and proposed pallet of materials would form an over dominant and visually intrusive feature in the street scene to the detriment of the visual amenity and character of the area”*.

Given the dimension of the proposed building with a ridge at 6.3 metres and a footprint of 72m² it is questioned how it is possible for the dwelling to form an over dominant and visually instructive feature in the street scene given the building directly to the south – the location of the proposed dwelling is the current single storey garage on figure 5.

Figure 5. Neighbouring Buildings



6.3 In respect of the ‘pallet of materials’ it is unclear exactly what is being referred to, however, there is a reference within the Case Officers Report that the use of render is not a feature found in the immediate area. This is contested by the Appellant as a similar proposal has been approved on Amherst Road to the rear of 14 Brook Street – as shown overleaf in Figure 6.

Figure 6. Amherst Road



As can be seen from the images in figure 6, there are strong similarities between the design of the new dwelling on Amherst Road and that of the appeal proposal – such as the L-shaped design, the steep roof plane and its position on the boundary with the rear gardens of the neighbouring properties on Brook Road. It can also be seen that the external walls are finished with a render which is a further similarity to the appeal proposal.

Furthermore, referring to the Case Officers Report for the approved scheme 102424 the assessment of the proposal on visual amenity was assessed as:

"It is not believed that the proposed building will form an incongruous feature in the immediate locality. In contrast, it is maintained that the proposed dwelling will regenerate an unattractive, unkempt site and remove a dilapidated structure. The subservient nature of the proposed dwelling will add interest to the street-scene and on balance represent an improvement to the visual amenity and character of the area."

This directly contradicts the LPA's assessment for the appeal proposal.

6.4 The second and third reasons for refusal claim:

"The proposed development by reason of its position on the site boundaries would have an over bearing impact on the adjacent properties to the detriment of the amenity of the occupiers of those properties."

"The proposed first floor windows in the rear elevation would overlook the private amenity space at the rear of residential properties on Brook Road resulting in an unacceptable loss of privacy."

Again, this is contradicted by the assessment of 102424 which confirmed:

"The introduction of further residential property within an established residential area is unlikely to create significant amenity problems as a consequence of comings and goings, activity, noise and disturbance."

Concern has been expressed that the property would represent over-development lead to the loss of light and overlooking of the rear garden which adjoins the site to the rear."

It is believed however the due the design and scale of the development, the positioning of windows and its relationship with neighbouring properties, there is unlikely to be any significant overshadowing or overlooking issues, particularly to the adjoining buildings rather than garden areas."

It is considered that due to the position of the appeal dwelling in relation to the neighbouring property at 6 Brook Road the only potential impact would be to the far end of the garden area which sits over 20m from the rear of the dwellinghouse. Additionally, bedroom 2 is served by windows to the front and rear elevations – as such the window to the rear is not the sole focus for outlook from within the dwelling.

6.5 The final reason for refusal claims *"The proposed development fails to provide adequate private amenity space for the use of the future residents of the proposed dwelling."*, however there is nothing within the Case Officers Report to justify this other than a passing mention that the site layout 'leaves little room for private amenity space'.

When considering the amenity space, the size of the plot is 180m² with a dwelling footprint of 72m². Therefore, the dwelling accounts for 40% of the plot area and leaves 108m² to accommodate a single off-street parking space and provide private amenity space. The private amenity space is provided for to the front of the dwelling which is made private by the boundary treatment. There is further private amenity space to the rear in the courtyard created by the L-shaped design of the dwelling. The amenity space to the side of the dwelling would be expected to also accommodate the off-street parking space.

6.6 It is noted the LPA's assessment of what is effectively the same proposal differs significantly from application 102424 and the appeal proposal. It is considered there are no material differences in any circumstance – either in the appeal site of the policy considerations given the local plan was adopted in July 2012 (which precedes both applications).

It is also considered that the LPA have not provided any evidence to support the change in assessment and explain why 102424 was approved, but the appeal proposal was not.

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.