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HEAL
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APPEAL STATEMENT

SITE: Land Adjacent To 10 Spring Bridge Road, Manchester, M16 8PL

APPEAL AGAINST REFUSAL OF: Erection of single storey dwellinghouse with room in the roof space and associated car parking, amenity space and other works

LOCAL AUTHORITY: Manchester City Council

PLANNING APPLICATION NUMBER: 132330/FO/2021

APPELLANT: Mrs S Zakir

Introduction

This appeal statement presents the case for the erection of a two-bedroom dwelling house on land Adjacent to 10 Spring Bridge Road, Manchester, M16 8PL. The appeal site has an extensive planning history including two recent applications for dwellinghouses in 2015 (for a new build contemporary style detached home, ref: 109062/FO/2015/S1) and in 2020 (for a traditional suburban style detached home, ref: 127931/FO/2020). This current application for the two-bedroom dwelling, incorporates and takes into account the feedback from the LPA to present a dwelling wholly appropriate in design, size, massing and siting for the appeal site. This wholly accords with the NPPF policy at Para. 38 where Councils are encouraged to work with applicants to find solutions to the refusal reasons such that sustainable development can then be permitted. This proposal is sustainable and appropriate development. The issues for the appeal are the impact of the proposal upon visual amenity of the wider site and the residential amenity of the neighbouring property and this appeal statement presents the case why this proposal can now be allowed where there is no or insignificant harm to interests of acknowledged importance.

It is noted that paragraph 74 of the NPPF requires the LPA to identify and update a sufficient supply of deliverable sites to meet their housing requirement. It is noted that the Manchester

Core Strategy Development Plan Document was adopted in July 2012 making it now out of date. As the current local plan is a decade old, a presumption in favour of sustainable development should be deployed in line with the requirements of the NPPF. The proposal, whilst only for one dwelling, would provide a modest contribution to this target which, given the significant national deficit, should be given considerable weight and in accordance with the NPPF guidance a presumption in favour of sustainable development should be applied. Additionally, the Core Strategy has identified a need for approx. 60,000 new homes in the City during the plan period (between 2009 and 2027), with a large proportion of this growth within the existing urban areas.

In regard to this appeal, the above is considered to carry significant weight. Whilst the proposal's contribution to the housing supply of Manchester is modest, it would still contribute a dwelling in a wholly appropriate location where there is a definite requirement for homes.

Refusal Reason

The Notice of refusal was dated 2nd March 2022 and contained the following reasons for refusal:

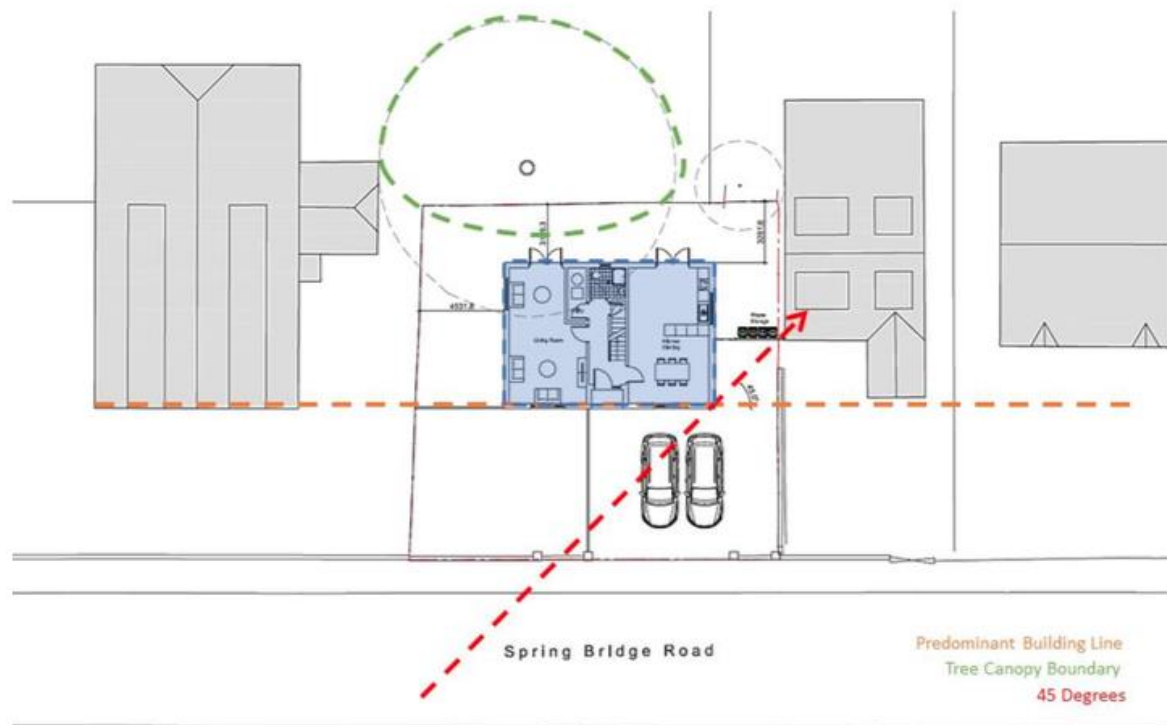
- 1) The proposed development by reason of its siting will form an over dominant and incongruous feature in the street scene and will have a detrimental impact upon the levels of visual amenity enjoyed within the vicinity of the site, contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the NPPF. **At present, the site does not provide much visual benefit to the street scene; it is partially enclosed by a fence and is overgrown and under used. The LPA note in the report in regard to design that *the design of the proposed dwelling is traditional in nature and this approach is considered acceptable.* In regard to scale and massing it is noted that *given its traditional design and that fact its height sits in between the two adjacent properties the scale and massing of the proposal is considered acceptable in principle.* Given the above, what element of the proposal represents an incongruous feature is unclear. The plans below show the scale of the dwelling – how this is considered over-dominant is also unclear:**



The proposed design is appropriate in the built context and respects the properties in the immediate surroundings and would therefore not cause harm to the character of the surrounding area, including the street scene. It has been considered acceptable on highways safety grounds and is not seen to generate congestion, outside of the initial construction phase. From a planning perspective, is not considered that any objections could be raised on the issue of noise or disturbance from the construction process. The proposed plans ensure sufficient parking for the new dwelling. In regard to overshadowing or over-dominance, the sole property considered to be materially affected as a result of the proposal is No.4 Manley Road. No other neighbouring amenity will be harmed, and it is argued that the effect on No.4 will be immaterial. The appeal is for a bungalow with outdoor space to allow for spaciousness, light, and sufficient outdoor amenity for all concerned (see proposed plans below in the statement). This layout is considered to be in keeping with the spread of housing in the locality, where properties are of a mixed nature.

- 2) The proposed development, by reason of its siting will have an overbearing impact on the neighbouring property and will as a result have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of no. 4 Manley Road, contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the NPPF. **The issue here is the impact of the proposal upon private amenity of one neighbouring property. The sole property considered to be materially affected as a result of the proposal is No.4 Manley Road (to the rear of the appeal site). No other neighbouring amenity will be harmed, and it is argued that, as the proposed dwelling would lie to the side of the garden of No.4, the distance between the properties is considered to be generous given the urban context, and the rear façade of the proposal is offset from the rear boundary to ensure that it does not interact with the tree canopy in No.4's garden.**

The proposed development has matched the building height of the neighbouring bungalow No.10 Spring Bridge Road, retained the building line and respected the 45-degree angle guidance. It will allow for spaciousness, light, and sufficient outdoor amenity for all concerned and therefore no harm would be caused (see illustration below).



The Core Strategy policy DM1 will be reviewed in full in the Local Planning Policy Context section of this appeal, and the proposal will be seen to adhere in full on all sections: to the character of the surrounding area, including the street scene; overlooking; noise or disturbance to the occupants of neighbouring dwellings; overshadowing or over-dominance; and traffic danger or parking issues. The proposal will cause little or no harm to any of the above. Government guidance encourages the LPA to increase densities in urban areas and to make more efficient use of sites and the core strategy is generally considered to encourage the re-use of previously developed land in urban areas, such as the appeal site. It also seeks to ensure the provision of high-quality developments, which optimise the use of land. The appeal here in question is seen to align with these principles, whilst also contributing to the local housing stock.

Planning Officer Report

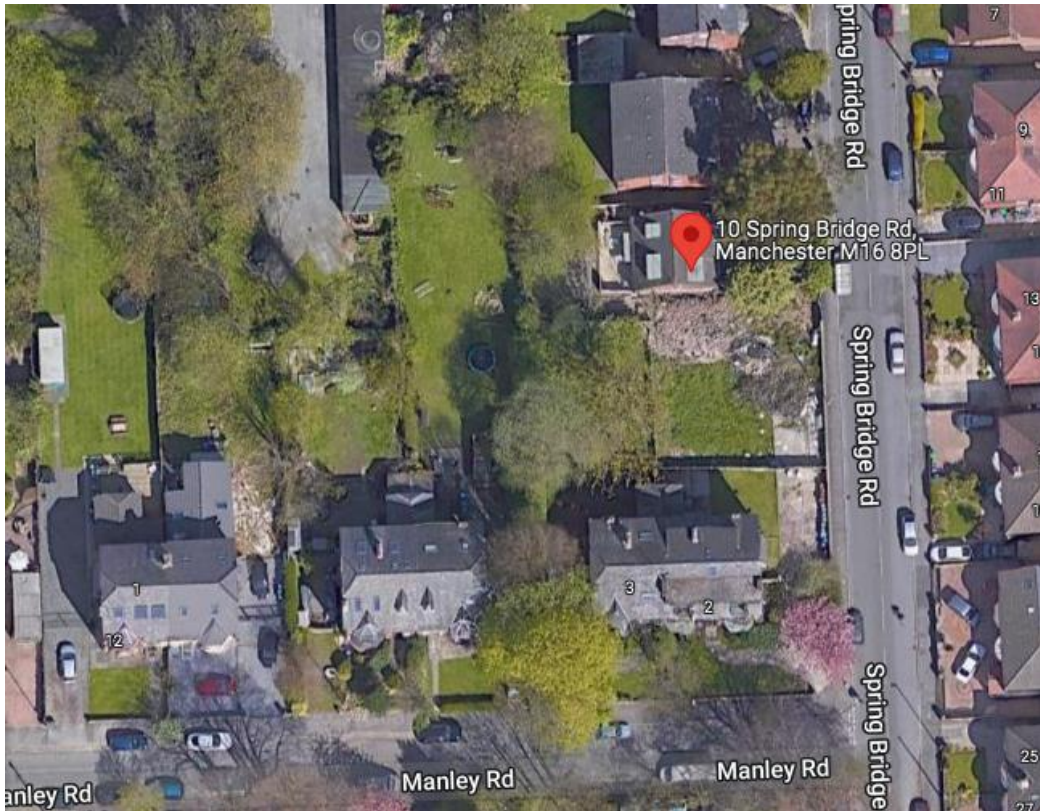
To assist in the consideration of the Appeal, some of the paragraphs from the report from the Planning Officer are included below with appropriate commentary on the relevant parts:

Description of site/building

This application relates to a parcel of land which was formerly the rear garden of no. 2 Manley Road, a three storey residential property in use as six self-contained flats. The land has since been fenced off from no. 2 Manley Road and is in an overgrown and neglected state. The application site is shown edged in red below:



To the north of the site stands no. 10 Spring Bridge Road, a detached bungalow with living accommodation in the roofspace. To the east, on the opposite side of Spring Bridge Road, there is a row of interwar semi-detached dwellings. To the south stands no. 2 Manley Road, while immediately to the east lies the rear garden of no. 4 Manley Road, a property also in use as self-contained flats. **Note: the rear garden of no 4 Manley Road lies to the west of the appeal site, not the east (see orientated map below).**



Listed building: no

Conservation area: no

Tree Preservation Order: no

Description of development

Erection of single storey dwellinghouse with accommodation room in the roofspace and the provision of associated car parking and amenity space.

Consultations & Notification Responses

Local Residents – Two letters of objection have been received, the comments are summarised below:

- This proposal would overdevelop the site.
- The area already suffers from parking problems, the addition of another dwelling will exacerbate the problem. All the homes opposite the site, on the odd numbered side and at 2 and 10 Springbridge Road, use and have a number of cars. There have been problems encountered with parking by existing occupiers in general; especially because Springbridge Road is quite narrow and if cars are parked on one side of the road only then persons living on the odd numbered side can gently manoeuvre their cars outward from their drives onto the street; but if the proposed development goes ahead then it is practically likely that there will be parking on the street by the

proposed developers when not using car bays and there could be an accident waiting to happen; especially as there is secondary school on the road and Springbridge Road is a rampant school run during term time; which would make the area even more accident prone should this development go ahead.

- The properties in this area are very diverse architecturally, this proposal would not complement the character of the area.
- A single 3 bedroom house would not be in keeping with this old, established residential area with pre-1st World War houses on the even numbered side (from number 12 onwards) and older Victorian properties (from number 6 and below) The odd numbered properties are in the main from NO 9 to the end of the same road interwar semi-detached 1934-1935 houses – apart from 1- 7 which are small modern semi-detached modern homes built on land next to the road (no rear gardens used).
- The proposed build is in no way in character with the area with the vast majority many homes built prior to the 1st War and during the inter-war years. There are absolutely no new dwelling homes on this long street; especially to be built in a garden.
- This site was and should still be the garden area associated with the flats at no. 2 Manley Road. It has been fenced off and allowed to be overgrown and derelict in order to facilitate its redevelopment.
- The proposal would result in a loss of privacy and lead to overshadowing.
- There would be further use of drainage and water services to the area which has suffered very badly from poor water pressure including to all houses opposite the site and we believe this has been due to overall development of the area.

Only two letters of objection have been received, and the majority of the issues raised are subjective or not of material consideration. The proposal is deemed acceptable on grounds of parking and highway safety, design, scale and massing. It has been sympathetically designed to respect the surrounding built environmental and optimise the capacity of the site. It is also highlighted that the above responses were both from the residents living on the opposite side of the Spring Bridge Road, and are therefore not directly affected by this proposed development.

Highway Services – Have made the following comments:

- Given that the proposed development is resultant in one additional residential dwelling, the number of vehicular trips associated with site is expected to be minimal. It is therefore accepted that the adjacent highway network can facilitate such additional demands with no highway safety or capacity concerns.
- The addition of a H-Bar making could be considered in order to protect driveway access. points from inconsiderate parking. It is also recommended that the applicant liaises with MCCs Street Lighting Team regarding any potential requirement to

relocate an existing street lighting column located on the Spring Bridge Road footway at the front of the site.

- There are two car parking spaces located within the site's curtilage. It should be noted that all individual driveway parking spaces should be a minimum of 3.0m x 6.0m to ensure that vehicles / pedestrians do not impact on the adopted highway. It is required, in line with MCC Residential Guidelines, that the provision of an Electrical Vehicle charging point (minimum 7kW) is made available.
- In line with MCC Residential Guidelines, secure and sheltered cycle parking provision should be made, within the curtilage of the site, at a provision of one-per-unit.
- It is recommended that all fencing / railings adjacent to the adopted highway are visually permeable from a distance of 600mm upwards to ensure adequate visual permeability for child pedestrians. The applicant should be advised that all gated accesses will need to provide inward opening gates to ensure they do not impact on the adopted footway or highway.
- A bin store will be in place to the right of the property. Highways consider this to be acceptable in order to prevent any obstruction to passing pedestrians on the adjacent footway.
- A Construction Management Plan should be provided by the applicant prior to any construction works beginning.

As shown, the proposal is considered acceptable on grounds of highway safety.

Environmental Health – Suggests the imposition of conditions concerning contaminated land, refuse storage and vehicle charging points. **The suggested conditions would be acceptable to the appellant.**

MCC Flood Risk Management – Suggests the imposition of conditions to manage flood risk and drainage. **The suggested conditions would be acceptable to the appellant.**

Neighbourhood Team Leader (Arboriculture) – The encroachment into the root protection zone is within the accepted percentage and therefore we would have no objection, however, the use of ground boards and protective fencing needs to be exercised as per the method statement. **The above is acceptable to the appellant.**

United Utilities – Suggests the imposition of conditions to manage flood risk and drainage. **The suggested conditions would be acceptable to the appellant.**

Policies

The National Planning Policy Framework July 2021 (NPPF) – The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced. Planning law requires that applications for planning

permission be determined in accordance with the development plan, i.e. the Core Strategy Development Plan Document and accompanying policies, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development, which for decision-taking means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In addition to the above, Sections 5 (Delivering a sufficient supply of homes), 9 (Promoting sustainable transport) and 16 (Conserving and enhancing the historic environment) are of relevance:

Paragraph 60 states that 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.

Paragraph 69 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should support the development of windfall sites through their policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 107 states that if setting local parking standards for residential and non-residential development, policies should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local

car ownership levels; and the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

The relevant sections of the NPPF are reviewed in full in the National Planning Policy Framework section of this appeal statement.

Core Strategy Development Plan Document – The Core Strategy Development Plan Document 2012 -2027 ("the Core Strategy") was adopted by the City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework. The Core Strategy replaces significant elements of the Unitary Development Plan (UDP) as the document that sets out the long term strategic planning policies for Manchester's future development.

A number of UDP policies have been saved until replaced by further development plan documents to accompany the Core Strategy. Planning applications in Manchester must be decided in accordance with the Core Strategy, saved UDP policies and other Local Development Documents. Relevant policies in the Core Strategy are detailed below:

Policy SP1, Spatial 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 and protect and enhance the built and natural environment.

Policy H6, South Manchester – South Manchester will accommodate around 5% of new residential development over the lifetime of the Core Strategy. High density development in South Manchester will generally only be appropriate within the district centres of Chorlton, Didsbury, Fallowfield, Levenshulme, and Withington, as part of mixed-use schemes. Outside the district centres priorities will be for housing which meets identified shortfalls, including family housing and provision that meets the needs of elderly people, with schemes adding to the stock of affordable housing.

Policy DM1, Development Management – This policy states that 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 DM1 of the Manchester Core Strategy 2012 is the single policy referred to in the reasons for refusal; the proposal is seen to accord with the local plan in all other areas. Policy DM1 will be fully addressed in the Local Planning Policy Context section of this appeal and the proposal will be seen to adhere.

Issues

Principle of the Proposal – Whilst the site is located within a residential area, given the constraints of its size and its relationship with adjoining properties, it is not considered that it is capable of being redeveloped for residential purposes without having a detrimental impact on the streetscene and the levels of residential amenity enjoyed by the neighbouring occupants. Accordingly, the principle of the redevelopment of the site is not considered acceptable. **In 2016, the appeal for the ‘Erection of a two-storey detached dwelling house**

(Class C3) following demolition of existing garage' on the land adjacent to No.10 Spring Bridge Road, Formerly Part Of Rear Garden Of 2 Manley Road (16/01902/REF) was dismissed, however the Inspector clearly stated in the decision notice that:

I conclude that the development would not cause unacceptable harm to the character and appearance of the area. It would therefore not be contrary to the relevant sections of Policies EN1, H2 and DM1 of the Manchester Core Strategy (2012).

It was concluded that the development of this site would not cause unacceptable harm to the character and appearance of the area. The proposed scheme has been carefully designed to be sensitive to the character of the immediate context and the needs of the wider area. It has responded to comments from the refusals of previous applications to ensure the scheme does not negatively impact the surrounding buildings. This is a vacant piece of land that the LPA have noted is *in an overgrown and neglected state*; the proposal would see a significant improvement with a dwelling that would positively impact the area through improving the condition of the site and optimising its capacity. This is a residential street where a new dwelling is wholly appropriate and will contribute to the local housing stock.

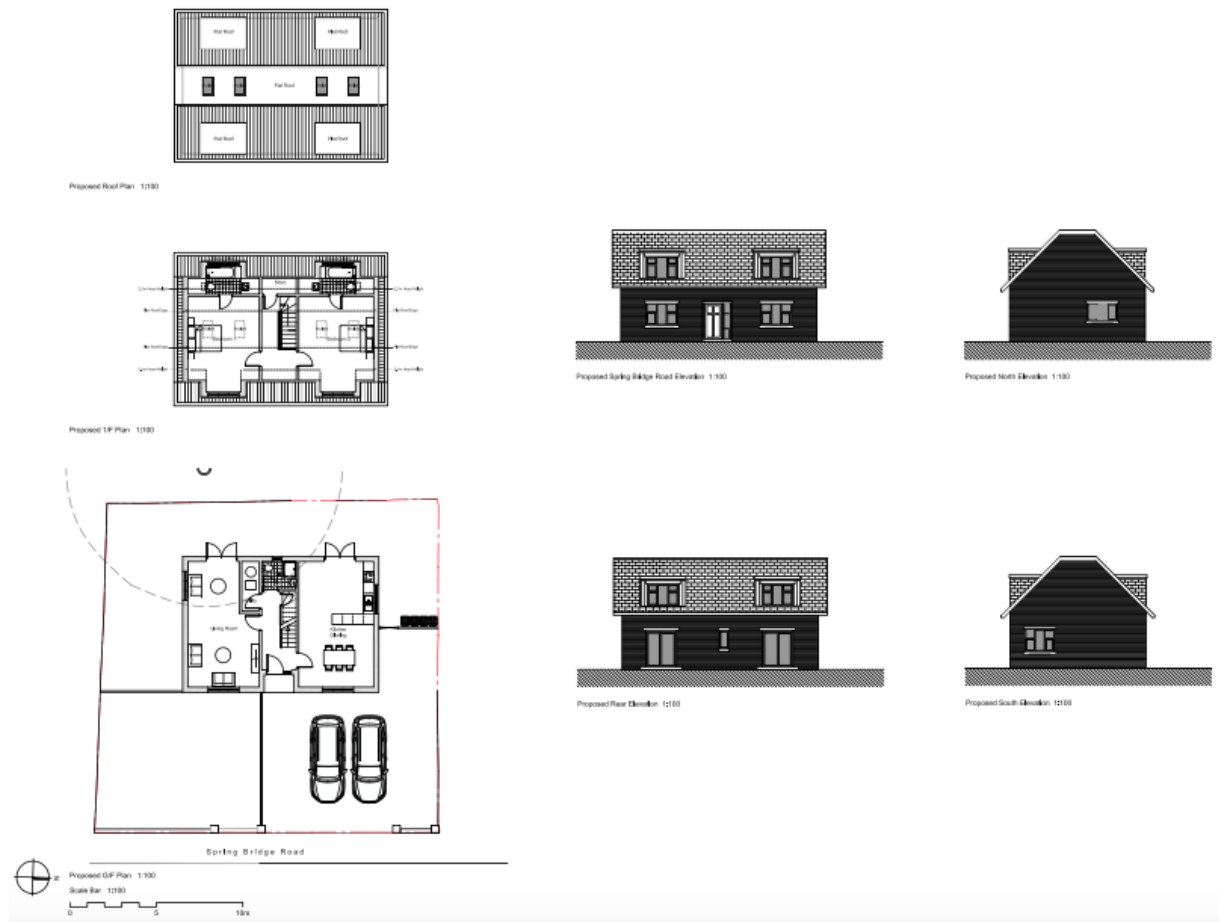
Character of the Area – The predominant character of the area is one of dwellings that follow a recognised building line and which are set behind relatively deep front gardens with generous gardens to the rear. **In respect of the above, the proposal maintains the established building line.**

The site has been formed from part of the rear garden of 2 Manley Road and consequently is not particularly deep. As a consequence, in order to provide the required amount of floorspace, the proposed building has been sited forward of the adjoining dwelling on Spring Bridge Road. It is considered that siting the proposed dwelling in this location would result in an awkward juxtaposition between the neighbouring properties that would create an incongruous feature in the streetscene and a proposal that would be out of character with the pattern of development in the area. **The image below is taken from the application and clearly shows that this development would respect the predominant building line of Spring Bridge Road:**



The diagram above shows this line is consistent along Spring Bridge Road with 10 & 12 Spring Bridge Road being an anomaly.

Given the above, it is considered that the proposal would have a detrimental impact on the existing levels of visual amenity enjoyed within the vicinity of the site. **The block plan above shows the diversity of property sittings and designs on this side of Spring Bridge Road. The proposed development would be modest (see proposed plans below), allowing for good outdoor amenity space, and respects the predominant building line.**



Residential Amenity – It is noted that the first floor windows facing the rear garden of no. 4 Manley Road would be obscurely glazed. Nonetheless, as the proposal would be sited so close to the rear garden boundary of no. 4 Manley Road, it would still have an overbearing impact on the occupants of that property and would detract from the enjoyment of their rear garden. Consequently, it is considered that the siting the dwelling in the local proposed, would have a detrimental impact on the existing levels of residential amenity enjoyed by the occupants of no. 4 Manley Road. **The resultant layout would not be unusual in an urban environment, where space must be used efficiently and land capacity optimised to address the need for accommodation. As the site plan shows, the proposed new dwelling would be more than sufficiently distanced from No.4 and given the obscure glazing no loss of privacy would occur. No.4 benefits from a large garden that would not suffer material impact from a small bungalow in the vicinity.**

Design – The design of the proposed dwelling is traditional in nature and this approach is considered acceptable. **The LPA confirm that the design is considered acceptable.**

Scale and massing – Given its traditional design and that fact its height sits in between the two adjacent properties the scale and massing of the proposal is considered acceptable in

principle, however, as stated above this causes harm to residential amenity. **The LPA confirm that the scale and massing is considered acceptable in principle.**

Car Parking – The proposed parking provision is considered acceptable in this instance. **The LPA confirm that the parking provision is acceptable.**

Pedestrian and Highway Safety – It is not considered that the comings and goings of residents and visitors to the site would be of such a level so as to prove detrimental to the existing levels of pedestrian and highway safety enjoyed along Spring Bridge Road. **The LPA confirm that the proposal would not negatively impact highway safety and is therefore acceptable on these grounds.**

National Planning Policy Framework

It is important to respectfully draw to the inspector's attention to relevant sections of the NPPF that have either been overlooked, misinterpreted or not given due weight and consideration within the decision-making process. The following sections in particular are highlighted as requiring attention.

Para 2: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements. **The NPPF confirms that it should be a material consideration in planning decisions and so the following sections are considered as presenting considerable material planning support to the application.**

Para 3: The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3. **This demonstrates how the NPPF must be considered as-a-whole and equally by implication the same should apply to the application of individual policies contained within the Local Plan. This appeal is supported by policies within the NPPF and the Local Plan that taken together should present the proposal for approval.**

Para 7: The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and

environmental protection. **The proposal does not compromise the ability of future generations to meet their own needs yet meets the needs of the present and therefore fully accords with this policy.**

Para 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure; **This dwelling will enable a new set of occupants to reside within the area, where they will spend money, use and contribute to local services. In addition, this proposal will create work for local builders and tradesmen. There will also be an additional dwelling paying Council tax, meaning this proposal meets the economic objective as the LPA will receive payments from the development to assist in future council service provision.**

The Government's 2017 White Paper on housing opens with the statement "the housing market in this country is broken, and the cause is very simple: for too long, we haven't built enough homes." In the years following the financial crisis, net additional housing supply fell to under 150,000 per annum. Whilst it has recovered most recently to 217,350 net additional dwellings in England in 2016/17, it still falls well below the 300,000 homes a year by the mid-2020s set out by the Chancellor in the 2017 Autumn Budget. As a whole, England and Wales have not built enough new homes for more than a generation and the impact of the financial crisis, recession and economic slow-down has compounded this issue.

The above is especially important at a time when the country is in recession due to the Covid-19 pandemic crippling the national economy; any development that has a positive economic impact should be encouraged. As the stock of housing increases, these figures will increase year by year.

- b) a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; **This development will provide a two-bedroom home, and therefore contribute to the range of homes to meet present and future needs. It will be house a new family in the City ...**
- c) an environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. **The proposal**

will make effective use of the land. The LDP encourages the re-used of previously developed land in urban areas, such as the appeal site. The appeal under question is seen to align with this, whilst also contributing to the local housing stock, as it will be utilising what is undeveloped, residential land and will develop it into a vibrant addition to the community and the housing stock with a newly built, well-designed and modest dwellings. There is no ecology on site that will be impacted upon by this development.

Para 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

Para 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The proposal will: contribute to the five-year housing land supply; provide one well-designed two-bedroom dwelling; make effective use of land where there is sufficient space to accommodate such a development; introduce new residents to the area; and fulfil the

NPPF's economic, social and environmental objectives. Government guidance encourages the local authorities to increase densities in urban areas and to make more efficient use of sites. Given that the principle of this development is therefore considered acceptable, and the proposal would provide a modest contribution to the housing target, a presumption in favour of sustainable development should be engaged.

Para 33: Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future. **The Manchester Core Strategy Development Plan Document was adopted in July 2012 making it now significantly out of date. As the current local plan is a decade out of date, a presumption in favour of sustainable development should be deployed in line with the requirements of the NPPF.**

Para 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. **This is the third submission for a dwelling on this site, after the appellants have taken into account feedback from the previous refusal applications and modified their proposal accordingly.**

Para 55 - 58: **In relation to the conditions and planning obligations. The appellant is willing to consider appropriate conditions to be applied in order to present the decision as acceptable.**

Para 61: To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance - unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for. **This proposal assists the Council in maintaining its targets by providing a good quality family home that will be built out of durable, long lasting materials and to modern building regulation standards presenting a dwelling with considerable predicted lifespan.**

Para 62: Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes). **The policy expressly states**

that the size, type and tenure of housing needed for different groups in the community should be assessed. The proposal will provide a comfortable, two-bedroom family home.

Para. 69. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. **This proposal fully accords with that policy.**

Para 74: Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period) of:

- a) 5% to ensure choice and competition in the market for land; or
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.

At the heart of the NPPF is a presumption in favour of sustainable development. It is noted that the above paragraph 74 requires the LPA to identify and update a sufficient supply of deliverable sites to meet their housing requirement. Whilst the LPA do not have a deficit, this is an ever-moving target and the proposal, whilst only for one dwelling, would provide a modest contribution which should be given considerable weight. Furthermore, Policy H1 of the Core Strategy states: *Approximately 60,000 new dwellings will be provided for in Manchester between March 2009 and March 2027. This equates to an average of 3,333 units per year.* The proposal will contribute to this target.

Para 119: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land. **The proposal makes effective use of the land, developing what is essentially unused and unattractive land on a residential street.**

Para 121. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying

opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes. **The proposal would make better, more effective use of this plot of land and optimise its capacity. It would create a high-quality home in a well-connected and desirable area and generate health living conditions for future residential occupiers with indoor and outdoor amenity space provided to required standards. The design of the proposal is wholly acceptable.**

130. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; **The proposed development meets the needs of the present and would benefit future occupants, adding a new dwelling to this desirable area. A functional and comfortable dwelling will be created making effective use of residential land where there is sufficient room to accommodate it.**
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; **The materials utilised will be in keeping with the area and care will be taken to ensure that the construction is of good quality, completed efficiently and in line with building regulations. Care has also been taken to ensure that the proposal is sympathetic to the surrounding built environment, respecting the building line and the height and scale of neighbouring dwellings.**
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); **As has been shown throughout the statement, the proposed development has been sympathetically designed to be in keeping with the surrounding built environment.**
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; **The character of the neighbourhood is quite diverse in its building designs. The proposed development is small and will not stand out in the street scene and will provide a comfortable accommodation for future inhabitants.**
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; **Not relevant to this appeal.**
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. **Not relevant to this appeal.**

Local Planning Policy Context

The relevant part from the Manchester Core Strategy (adopted 2012) with commentaries under each are set out below:

Policy DM1: 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. **The LPA confirm in the report that the scale and massing are acceptable in principle. The proposal has maintained the predominant building line and matched the height of the neighbouring property. It is a bungalow with a modest footprint (78.1sqm GIA), wholly appropriate in the built context.**
- 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. **The LPA confirm in the report that design of the proposal is acceptable.**
- 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. **As the site plan shows, the proposed new dwelling would be more than sufficiently distanced from No.4 so as not to cause loss of light and given the obscure glazing no loss of privacy would occur. No.4 benefits from a large garden that would not suffer material impact from a small bungalow in the vicinity. No other neighbouring properties are seen to be impacted. As the proposal is small-scale, it is not seen to cause significant increase in traffic nor impact highway safety. Any noise generated from the construction process would be temporary and does not constitute a reason for refusal.**
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes. **Not applicable.**
- Community safety and crime prevention. **Not applicable.**
- Design for health. **Not applicable.**
- Adequacy of internal accommodation and external amenity space. **The proposal has been well designed to minimise the built footprint whilst providing more than adequate indoor amenity space. A generous garden will also remain.**
- Refuse storage and collection. **The proposal has met the requirements for refuse and storage.**
- Vehicular access and car parking. **The proposal has met the requirements for access and parking.**

- Effects relating to biodiversity, landscape, archaeological or built heritage. **The plot is a brownfield site in a developed, residential area. It is not seen to harm landscape or biodiversity.**
- Green Infrastructure including open space, both public and private. **Not applicable.**
- The use of alternatives to peat-based products in landscaping/gardens within development schemes. **Not applicable.**
- Flood risk and drainage. **MCC Flood Risk Management suggest the imposition of conditions to manage flood risk and drainage, which would be acceptable to the appellant.**
- Existing or proposed hazardous installations. **Not applicable.**
- 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. **Not applicable.**

It is only policy DM1 that the Council use in its refusal reason. In terms of the visual illustrations it will be clear that the rear of the proposed dwelling faces onto the side of the garden of No.4 Manley Road (the property which is cited as the one that would suffer harm). From this it will be noted that only obscure glazed windows are actually facing onto the neighbouring garden from the rear of the proposed dwelling. As a consequence, privacy cannot be seen to be harmed by the proposal. In terms of overshadowing, as the proposed is a bungalow this new dwelling would have little impact. In relation to the over-dominance word then clearly a rear to side elevation treatment is normal in residential areas and this has no justification either such as not to allow the appeal.

Conclusions

This appeal statement has presented the case for the erection of a two-bedroom dwelling house on the land Adjacent To 10 Spring Bridge Road, Manchester, M16 8PL. The proposal has been seen to incorporate the feedback from the LPA in previous applications to present a dwelling wholly appropriate and sympathetic in design, size, massing and siting for the appeal site. This proposal is sustainable and appropriate development which wholly accords with the NPPF.

The issues for the appeal are the impact of the proposal upon visual amenity of the wider site and the residential amenity of the neighbouring property. This appeal statement has presented the case as to why the proposal can now be allowed as there is no or insignificant harm to interests of acknowledged importance. The new dwelling will enable a new set of occupants to reside within the area, where they will spend money, use and contribute to local services. In addition, this proposal will create work for local builders and tradesmen. There will also be an additional dwelling paying Council tax, meaning this proposal meets the economic objective as the LPA will receive payments from the development to assist in future council service provision. The above is especially important at a time when the country is in recession due to the Covid-19 pandemic crippling the national economy; any development that has a positive economic impact should be encouraged. As the stock of housing increases, these figures will increase year by year.

The proposal is seen to align with the principles of the NPPF and the Manchester Core Strategy 2012 (which is now 10 years old) whilst contributing to the local housing stock. Whilst Government guidance supports an increase in densities in urban areas and to make more efficient use of sites generally, at the heart of the NPPF is a presumption in favour of sustainable development. The proposal, whilst only for one dwelling, would provide a modest contribution to the council's housing land supply deficit which should be given considerable weight and a presumption in favour of sustainable development should be engaged.

Recommendation

The Inspector is respectfully requested to allow this appeal.

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