The Planning Inspectorate

Appeal Decision

Site visit made on 26 October 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2020

Appeal Ref: APP/B4215/W/20/3254195
1 Stanbury Walk, Manchester M40 7LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Salmami Pshko against the decision of Manchester City Council.
- The application Ref 126166/FO/2020, dated 7 February 2020, was refused by notice dated 11 May 2020.
- The development proposed is the erection of 1 No. dwelling.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No. dwelling at 1 Stanbury Walk, Manchester M40 7LY in accordance with the terms of the application, Ref 126166/FO/2020, dated 7 February 2020, subject to the conditions set out in Annex A.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is an end terraced house located on the junction of Stanbury Walk and Lower Vickers Street/Berkshire Road. The proposed dwelling would be located in what currently forms the side garden of the property and would form a new end house to the terrace. It would have a similar design to the other properties in the terrace and would retain a gap of around 1.5m to the boundary with the pavement.

4. The side elevation of the host property is in line with the front elevation of the adjacent terrace on Berkshire Road. The proposed dwelling would therefore project beyond this current building line. However, I observed that the next row of properties along Berkshire Road had elements at each end of the terrace that project forward of the building line. Furthermore, beyond this row is a recently constructed 3 storey dwelling that faces down the street that projects significantly forward of the building line on this side of Berkshire Road and only has a limited gap between its side elevation and the adjacent highway. As such, the building line along this side of the road is already varied.

5. Moreover, I observed that the new housing on the other side of Berkshire Road, has no consistent building line and the side elevations of a row of houses

on an adjacent perpendicular street projects much closer to Berkshire Road than the dwellings that face this road.

6. Given this context, although the proposed dwelling would project closer to the road than Nos 22 – 34 Berkshire Road it would not appear incongruous or unduly obtrusive and would not unacceptably harm the character and appearance of the area.

7. Furthermore, I note that a 2 storey side extension has previously been approved on the dwelling[1]. Whilst this may not have extended as far as the proposed dwelling, it would still have projected well beyond the building line created by Nos 24 – 34. The appellant has indicated that as the foundations for this have been started the permission is extant and this has not been disputed by the Council.

8. All in all, I consider that the proposed development would not adversely affect the character and appearance of the area. Therefore, it would not conflict with Policies DM1 and SP1 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) which, amongst other things, seek to ensure that proposals are well-designed, and protect and enhance the character and appearance of the area.

Other Matters

9. The site is located within the setting of the Grade II* Listed Victoria Mill which has been converted to a mix of residential and commercial uses. However, given the existing residential context of the area around the appeal site and the mill, I agree with the council that the proposal would not harm the setting of the Listed Building.

10. The Council have stated that the proposed property would overlook the front gardens of Nos 22- 34 Berkshire Road. However, these front gardens are not private, being clearly visible to all who go along the road and mainly provide parking spaces for the houses. As a result, any overlooking would not be detrimental to the living conditions of the occupiers of these dwellings.

Conclusion and Conditions

11. For the reasons set out above, I conclude the appeal should be allowed.

12. In addition to the standard implementation condition, to provide certainty it is necessary to define the plans with which the scheme should accord. In the interests of the character and appearance of the area conditions are required to control the external appearance of the development and to ensure the implementation of both the waste management strategy and the boundary treatment to the site, although I have altered the suggested wording of the latter condition to avoid repetition.

13. As the site is previously developed land, and given the sensitive nature of the end use, I consider it would be appropriate to have a condition to assess the potential for contamination and to outline measures of how any contamination would be dealt with. This needs to be a pre-commencement condition as it relates to work that needs to be undertaken before the construction phase.

[1] Application Reference 115989/FH/2017

14. To ensure the satisfactory drainage of the site and reduce the risk of flooding it is necessary to require the submission of a drainage strategy for the site and its subsequent implementation and maintenance. As the strategy could affect the design of the scheme and relates to work that would need to be done during the construction period, it needs to be a pre-commencement condition.

15. To minimise the environmental impact of the development a condition requiring the submission and implementation of an Environmental Standards Statement is necessary. To promote sustainable transport options a condition is necessary to ensure the provision of an electric car charging point.

16. The *Planning Practice Guidance* indicates that conditions removing permitted development rights should only be used in exceptional circumstances. Given the relationship and distance of the proposed dwelling to surrounding uses I do not agree that it is necessary to remove permitted developments rights relating to extensions or windows as suggested by the Council. However, in order to support the regeneration work in the area I consider it is necessary to restrict the use solely to Class C3(a).

17. Given the small scale nature of the development I do not consider a condition requiring the submission of a construction management plan is necessary. In addition, as the boundary treatment for the site is controlled I do not consider a condition requiring the submission of a landscaping scheme for what will be a private garden is reasonable. Where necessary and in the interests of precision and enforceability I have amended the wording of the suggested conditions.

18. In accordance with Section 100ZA of the Town and Country Planning Act 1990, the appellant has provided written agreement to this pre-commencement condition.

Alison Partington

INSPECTOR

Annex A

Conditions

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Existing Elevations and First Floor Plan; Existing Ground Floor Plan; Proposed Elevations and First Floor Plan; Proposed Ground Floor and Boundary Treatment Plan; and Proposed Site and Roof Plan.

3) No development above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

4) The development hereby permitted shall be implemented in accordance with the Waste Management Strategy received by the local planning authority on 13 March 2020 and the agreed details shall remain in situ whilst the development is in operation.

5) Notwithstanding the details submitted, no development shall take place until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Proposal), has been submitted to, and approved in writing by, the local planning authority.

   The measures for investigating the site identified in the Site Investigation Proposal shall be carried out, before the development commences and a report prepared outlining what measures, if any, are required to remediate the land (the Site Investigation Report and/or Remediation Strategy). This shall be submitted to, and approved in writing by, the local planning authority, before any development takes place.

6) The development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to, and approved in writing by, the local planning authority. No occupation of the development shall take place until the completion/ verification report is submitted to, and approved by, the local planning authority.

   In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to, and approved in writing by, the local planning authority. The development shall then be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.

7) No development shall take place until surface water drainage works, designed in accordance with Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, have been submitted to, and approved

in writing by, the local planning authority. The development shall only be carried out in accordance with the approved drainage scheme.

8) The development hereby permitted shall not be occupied until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to, and approved by, the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A verification report providing photographic evidence of construction as per design drawings;

-As built construction drawings if different from design construction drawings;

-Management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

9) The boundary treatment, shown on the Proposed Ground Floor and Boundary Treatment Plan, approved under condition 2, shall be completed prior to first occupation of the dwelling house hereby permitted and shall thereafter be retained.

10) No development above ground level shall take place until an Environmental Standards Statement has been submitted to, and approved in writing by, the local planning authority. The statement shall demonstrate measures to be incorporated into the development to achieve energy efficiency and the approved measures shall be implemented in the construction of the approved development.

11) Prior to the first occupation of the dwelling house hereby permitted, details of an electric car charging point shall be submitted to, and approved in writing by, the local planning authority. The approved details shall then be implemented prior to the first occupation of the dwelling house and shall be retained thereafter.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the dwelling house hereby approved shall not be used for any other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) other than the purpose of C3(a).