The Planning Inspectorate

Appeal Decision

Site visit made on 8 May 2019

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th May 2019

Appeal Ref: APP/B4215/W/19/3222461
Land to rear of 243 and 249 Broom Lane, Manchester M19 3LZ

- 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 S G Properties against the decision of Manchester City Council.
- The application Ref 121466/FO/2018, dated 5 October 2018, was refused by notice dated 4 December 2018.
- The development proposed is '8 garages and relocate gates to car park'.

Decision

1. The appeal is dismissed.

Procedural Matter

2. A set of security gates between Nos. 235 and 243 Broom Lane had been repositioned at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issues

3. The main issues in this case are as follows:
   - The effect of the proposal on the character and appearance of the local area;
   - Its effect on the living conditions of local residents with particular regard to noise and disturbance;
   - Its effect on the safety of highway users; and
   - Its effect in terms of potential for crime and anti-social behaviour.

Reasons

Character and appearance

4. The proposal relates to a broadly triangular parcel of land which is enclosed on all sides by the rear boundaries of surrounding dwellings. I understand that the land has not been used for any particular purpose in the past. At the time of my visit, road planings had been introduced to part of the site and a number of vehicles were parked on it. In addition, one set of the security gates fitted to the gaps between the rows of dwellings had been removed (between Nos. 235 and 243 Broom Lane) and security gates have been fitted further down the alleyway, in order to provide space for vehicles accessing the site to park off the highway before opening them.

5. The proposed garage block is utilitarian in its design, with a mono-pitched roof measuring some 2.7 metres at its highest point. The garage block would be positioned close to the rear boundaries of Nos. 224 to 232 Barlow Road but it would sit comfortably on what is a reasonably large site and adequate space would be available for the parking and turning of vehicles.

6. Given the scale and siting of the garage block and the context I have described, I am satisfied that the proposal would not harm the character and appearance of the local area. I therefore find no conflict with policies SP1 and DM1 of the adopted Manchester Local Development Framework Core Strategy (CS), in so far as they relate to this matter.

Living conditions

7. Although the proposed garage block would sit close to the rear boundaries of the properties along Barlow Road, it would not extend significantly above the existing boundary treatments. This would ensure the garage block did not have an unduly oppressive effect or cast undue shadow.

8. The appellant company has explained that the garages would be available for general rent and so it is feasible that they could be used by people who did not live within the immediate surroundings. In any event, it would be very difficult to control the times people could access the garages in reality. In order to access the site, vehicles would travel down the alleyway running alongside the side elevation of No. 243 Broom Lane, which is punctuated by a number of windows. Comings and goings in the early morning and late evening would be particularly disturbing for the occupiers of this dwelling, as drivers stopped their vehicles in the alleyway in order to open the security gates before accessing the site. In addition, vehicle movements within the site, the opening and closing of doors and the glare from headlights, would be unduly disturbing for the occupiers of the dwellings surrounding the site at such times.

9. The appellant company asserts that there are no restrictions preventing the site from being used for the parking of vehicles and that many more could be parked on the site than the level proposed. The Council does not agree with this position and no evidence has been advanced to confirm that such activity would in fact be lawful.

10. In light of the above factors, I find that the proposal would cause undue noise and disturbance for local residents and it would not be possible to adequately control this adverse impact by the imposition of planning conditions. In such terms, the proposal conflicts with the development plan policies referred to above along with saved policy DC26 of the adopted Unitary Development Plan for the City of Manchester.

Highway safety

11. As explained, the proposed garages would be accessed via the gap between Nos. 243 and 235 Broom Lane. This is a single vehicle width access and although visibility onto Broom Lane is good in the northerly direction, a hedgerow which sits along the front boundary of No. 235 severely restricts visibility in the opposite direction and this is beyond the control of the appellant company. As a result, drivers of vehicles exiting the site do not have a clear

view of oncoming northbound traffic and nor do they have a clear view of pedestrians approaching from this direction.

12. The information before me indicates that the appeal site has not historically been used for the parking of vehicles on a regular basis. On this basis, it seems to me that the use of this access by vehicles has been very limited and the proposal would result in a material increase in its use. Given the highway conditions outlined above, I find that the result would significantly and unacceptably increase the safety risks for highway users. In this respect, the proposal conflicts with policies SP1 and DM1 of the CS.

Crime and anti-social behaviour

13. The Council argues that no definitive management plan has been provided and that occupation of the garages could be transient, thereby increasing the potential for crime and anti-social behaviour. I understand that other than the appellant company, only the occupiers of surrounding houses currently have keys to the security gates. The proposal would potentially result in more people, some of whom may not be local residents, gaining access to the site. That said, it would be in the interests of tenants to ensure the gates were locked after use and therefore the site would still be secure. To my mind, and in the absence of any evidence to the contrary, it does not automatically follow that the proposal would lead to increased crime related activity and anti-social behaviour within the site itself.

14. Notwithstanding this, the security gates which were positioned close to the front of No. 243 Broom Lane have been removed and security gates have been fitted further towards the rear of this property. This has exposed the ground and first floor windows on the side of No. 243, which are recessed from the main road and has made them more accessible. This arrangement has weakened the security of No. 243 and made it more vulnerable to a break in, which is unacceptable and conflicts with policies SP1 and DM1 of the CS.

Other matters

15. The appellant company asserts that before acquisition, the site was overgrown and used for fly-tipping. Whilst some local objectors disagree, this factor does not alter the significant failings of the scheme in any case. The appellant company also suggests that the proposal would reduce on-street parking pressure, but this has not been identified as a particular problem by the Council and I observed no significant localised kerbside parking issue at my visit.

Overall Conclusions

16. I conclude that the proposal would not harm the character and appearance of the surrounding area. However, it would harm the living conditions of nearby residents, it would pose an undue risk to users of the highway and it would compromise the security of No. 243 Broom Lane, contrary to the development plan policies outlined above. The arguments advanced by the appellant company in favour of the development do not outweigh these failings and policy conflict therefore the appeal does not succeed.

David Fitzsimon INSPECTOR