The Planning Inspectorate

Appeal Decision

Site visit made on 5 February 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2019

Appeal Ref: APP/B4215/W/18/3210318
5 Mitford Road, Manchester M14 6NT

- 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 Peter Yim of SAM Properties against the decision of Manchester City Council.
- The application Ref 118636/FO/2017, dated 19 December 2017, was refused by notice dated 19 June 2018.
- The development proposed is described as "Construction of new apartment building comprising eight units on vacant land between number 9 Mitford Road and Number 5 Derby Road, Withington".

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the living conditions of occupiers of 9 Mitford Road and 5 Derby Road in respect of outlook, whether the proposal would provide satisfactory living conditions for its future occupiers, and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions of existing occupiers of 9 Mitford Road and 5 Derby Road

3. The neighbouring apartment blocks of No 9 and 5 have windows which overlook the appeal site. These windows would be in close proximity to the proposed building. The proposal would be a large building which would create a dominant expanse of built development, resulting in the loss of outlook to the windows of No 9 and 5.

4. The appellant has described the windows in No 9 and 5 as being secondary windows. These windows however are large in size and due to the close separation between the proposal and the neighbouring properties, the proposed building would appear large and dominant when viewed from the windows of No 9 and 5. This would be overbearing on the existing windows having a significant detrimental effect on the occupiers of No 9 and 5 in terms of outlook.

5. The proposal would therefore have a harmful effect on the living conditions of No 9 and 5 with regard to outlook. The proposal fails to comply with Policies SP1, H1, H6, EN1 and DM1 of the Manchester Local Development Framework

Core Strategy Development Plan Document 2012 (CS), the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance 2007 (SPD), the Manchester Residential Quality Guidance 2016 (MRQG) and the National Planning Policy Framework (the Framework) which seek development to be of good design, have regard to effects on amenity and make a positive contribution to health, safety and wellbeing of residents.

Living conditions of future occupiers of the proposed building

6. The MRQG outlines the considerations, qualities and opportunities that will help to deliver high quality residential development. The MRQG provides the baseline minimum requirements and mandatory standards that all new residential proposals will be required to satisfy or exceed. The MRQG is in line with the Core Strategy Vision of the CS which, amongst other things, aims to offer a wide range of quality housing and is also in line with the aims of Policies SP1, H1, H6 and DM1 of the CS. A requirement of the MRQG is for proposals to meet the Nationally Described Space Standards (NDSS). I therefore have had regard to the NDSS as a measure in which to assess the proposed development.

7. The proposed flats are a mix of one and two bedroom with the one bedroom flats able to accommodate two persons, whereas the two bedroom flats can accommodate three persons. The NDSS states that for a one storey one bedroom dwelling that can accommodate two persons and a one storey two bedroom dwelling able to accommodate three persons, the minimum floor space should be 50 square metres (sqm) and 61 sqm respectively.

8. The appellant has detailed the size of the proposed flats which range between 32.9 sqm and 45.1 sqm. The proposed flats therefore do not meet the minimum requirements for gross internal floor areas and storage set out in the NDSS. The appellant has indicated that the proposal would meet the NDSS standards for bedroom floor areas. However, the overall size of the proposed flats would be small, would not provide sufficient space to satisfactorily meet the day to day needs of its occupants and would have a cramped environment. Accordingly, I find that the proposal would fail to provide satisfactory living conditions for its future occupiers.

9. It is indicated that the proposed flats would be capable of being occupied by couples and families for permanent accommodation, similar to other properties in the area, and it is not envisaged that the flats would be used as student or shared accommodation. There is no mechanism to control who would be the occupiers of the flats. Nevertheless, the small size of the flats would be an unpleasant environment regardless of the permanency of the accommodation or the demographic of the future occupiers.

10. The Council are concerned that the proposals do not provide sufficient private external amenity space. The proposal would be part of a larger complex of apartment blocks which have shared external amenity space, and it appears that future occupiers would have access to these amenity areas. There are also external areas to the front and rear of the proposal which future occupiers would have access. I consider that there would be sufficient private external amenity space for use by future occupiers of the proposal.

11. Notwithstanding the above consideration, I still find that the proposed flats would be small and would have a cramped environment that would be harmful

to future occupiers. The proposal therefore fails to comply with Policies SP1, H1, H6 and DM1 of the CS, the SPD and the MRQG which seek development to make a positive contribution to health, safety and wellbeing of residents, meet the needs of a diverse and growing Manchester population and have adequate internal accommodation and external amenity space.

Character and appearance

12. The appeal site forms an existing gap between two buildings located within a predominantly residential area. The appeal site is of sufficient size to accommodate the proposal which would be similar in design, scale and height to other buildings in the immediate area. The proposal would allow space either side of approximately 1.75 metres with the adjacent buildings which is similar to gaps between other properties in the area. The size of the proposal would complement the existing built form and would not appear cramped or look out of place with the existing pattern of development.

13. Therefore, the proposal would not have a harmful effect on the character and appearance of the area and would be in accordance with Policies SP1, H1 H6, EN1 and DM1 of the CS and the Framework where they seek development to protect and enhance the built environment.

14. Although I have found that the proposal would not harm the character and appearance of the area this would not outweigh the harm to existing residents' and future occupiers of the proposed flats' living conditions.

Other matters

15. The proposal would deliver residential units which would increase housing supply and deliver a choice of accommodation. The appellant has also indicated that there would be environmental benefits with the proposal being development of an abandoned garden and dangerous access.

16. However, I only attach modest weight to these matters and these benefits as the proposal would only amount to eight additional units. That needs to be balanced against the harm which I have identified to the living conditions of existing and future occupiers of neighbouring properties and the proposed flats.

17. I have had regard to the appellant's statement of case which identifies that there are no fundamental highway safety or parking concerns, no adverse effects on trees and the site is within a sustainable location. These matters however, do not outweigh the harm I have identified above.

18. Several other concerns have been raised, including in relation to noise and waste management of the proposed development. I have given careful consideration to these matters, some of which would be capable of being addressed by planning conditions in any event, but they do not lead me to a different overall conclusion on the main issues.

Conclusion

19. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR