Appeal Decision

Site visit made on 19 May 2009

by Susan Holland MA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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Decision date: 29 May 2009

Appeal Ref: APP/B4215/A/09/2097018
183 Burnage Lane, Burnage, Manchester M19 1FE

- 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 Mian Anjum against the decision of Manchester City Council.
- The application Ref 087511/FO/2008/S2, dated 20 August 2008, was refused by notice dated 20 November 2008.
- The development proposed is change of use from disused shop unit to hot food takeaway.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect of the proposed development upon the living conditions of neighbouring residents, with particular reference to noise and disturbance and to odour.

Reasons

3. In the parade of shops fronting the east side of Burnage Lane, north of its junction with Mauldeth Road/Avon Road, No 183 Burnage Lane is the northernmost end unit, surrounded on 3 sides by residential development. The single-storey appeal unit faces houses on the opposite side of Burnage Lane, and backs closely onto the rear gardens of houses in Firethorn Avenue: but its nearest neighbour is the 2-storey dwelling at No.181 Burnage Lane, from which it is separated by a narrow gated alleyway. A joint driveway off Burnage Lane serves the house at No.181 and also the alleyway, which continues around the rear of the shopping parade where it bounds the short rear gardens to houses in Firethorn Avenue.

4. The appeal unit is narrow throughout (varying between 2m and barely 4m externally) and maximises its frontage by means of a double-faceted shopfront. One facet faces directly forward to Burnage Lane: the other is angled towards the adjacent driveway. The unit presents a long side elevation to its boundary with the residential property at No.181.

5. Given the close proximity of the appeal unit to the adjacent residential properties, it would be difficult to site the necessary extractor equipment in a position where it would not give rise to noise, disturbance and smells perceptible to an unreasonable extent at those properties, and particularly at No.181, with which the appeal unit has the longest boundary.

6. I am also concerned at the layout of the joint driveway, together with the arrangement of the adjoining forecourt to the parade, and the parking layby also serving the parade. The north end of the forecourt to the parade has been enclosed with bollards (allowing limited access for small cars only and apparently intended, given its limited accessibility, to serve as staff parking for the shop units). Customer parking is provided in a long layby immediately off the carriageway of Burnage Lane, and inset into the forecourt: but the layby does not begin until some way south of the appeal unit. The joint driveway would thus offer the most obvious and apparently closest access to the proposed takeaway on approach from the north, particularly as the north-facing facet of the shopfront would be highly visible from that direction. In my view, use of the driveway by takeaway customers would be likely to lead to unreasonable congestion and disturbance to the occupiers of the dwelling at No.181 Burnage Lane.

7. The narrowness of the proposed takeway unit, which would not be capable of providing space for many customers inside the building, together with the generous depth of the forecourt immediately outside, would encourage takeaway customers to gather on the frontage. Here, in close proximity to the adjacent dwellings, including those opposite, they would be likely to cause disturbance to the neighbouring residents. In this respect the location of the appeal unit is unlike that of the existing takeaway farther south in the parade, as the latter both adjoins and faces other commercial units.

8. Accordingly, I conclude that the appeal proposal would be likely to have a materially harmful effect upon the living conditions of neighbouring residents in Burnage Lane, and in Firethorn Avenue, through noise, disturbance and odour. I consider that the proposal would be in material conflict with statutory development plan policies H2.2 and DC10 of the Manchester Unitary Development Plan, in that it would *have an unacceptable impact on the environment of the residential area*, taking into account that the appeal unit is *only separated from [the neighbouring houses] by a narrow alleyway*.

9. Planning permission was previously granted for a similar proposal at the appeal site in 1994 under ref. 046488/FU/SOUTH1/94, though the permission was not implemented. However, the more recent policies of the UDP take precedence over that decision. I have no evidence of material considerations that might be sufficient to outweigh the provisions of the current development plan. My overall conclusion is therefore that the appeal should be dismissed.

S Holland

INSPECTOR