The Planning Inspectorate

Appeal Decision

Site visit made on 22 November 2010

by Mrs A L Fairclough MA, BSc(Hons), LLB(Hons), PGDipLP, MRTPI, IHBC

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

Decision date: 7 March 2011

Appeal Ref: APP/B4215/A/10/2131335
Land to the rear of No 120 Dickenson Road, Manchester, M14 5HS

- 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 Martin Williams against the decision of Manchester City Council.
- The application Ref 092781/FO/2010/S1, dated 24 March 2010, was refused by notice dated 27 May 2010.
- The development proposed is described as 'conversion of builder's store and yard to the rear of No 120 Dickenson Road, Manchester, M14 5HS into a dwelling. Provision of a drop kerb access to the public footpath fronting to No 122 Dickenson Road'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal before me is for the conversion of and extension to an existing building. The Council is concerned whether the use of the site, as a builders' store and yard, is lawful. However, this matter is not before me. I will, therefore, deal with the appeal on the merits of the case based on the description of development and the submitted plans.

Main Issues

3. I consider the main issues are-:
   (a) The effects of the appeal scheme on the character and appearance of the locality;
   (b) The effect of the appeal scheme on neighbours' living conditions in terms of outlook, privacy and noise and disturbance; and
   (c) Whether the scheme accords with local policy in regard to designing out crime.

Reasons

First Issue - Character and appearance

4. The appeal scheme includes a proposal for a new dwelling, which would be positioned to the rear of properties fronting Dickenson Road, Hall Road and Hall Avenue. It would have vehicular access via a network of cobbled rear alleys which link these roads. Thus the appeal scheme would constitute backland development. Therefore, Policies DC6.1 and DC6.2 of the *Unitary Development Plan for the City of Manchester* (UDP), which relate to proposals on backland sites, apply. UDP Policy DC6.1 states that the Council will not normally grant permission for backland development. However, UDP Policy DC6.2 indicates a series of tests to apply to backland proposals. The supporting reason to UDP Policies DC6.1 and DC6.2

categorically states that all tests set out in the policy would be applied before planning permission could be considered.

5. The scheme includes the conversion of an existing building to a dwelling and works appear to have started on site. I am told that the appeal site was formerly used as a builders' yard with a single storey storage building. I have been provided with plans which indicate a single storey building on the site with a mono pitch roof and 3 garage-like openings.

6. The appeal proposal is a part single storey- part 1.5 storey building and as such would be subservient in scale to the surrounding 2 and 3 storey buildings. However, it would abut the modest rear/side yards of several dwellings fronting Dickenson Road. Given the increased mass and form of the appeal scheme when combined with its close relationship with No 122 Dickenson Road, I consider the scheme would appear cramped. In addition it would have an unusual form in terms of a hipped roof on the south eastern end of the development and symmetrical and asymmetrical gables towards the north western end. Although I note the point made by the appellant, that a hipped roof detail could minimise visual impact, this feature would, in my view, compete with the established architectural cohesiveness of the dwellings in the locality. In my view, the conversion of what appears to have been a simple outbuilding to a residential unit in this location would vary notably from the current linear forms of housing. It would also vary in terms of its mass, form and style. All of which would be detrimental to the established character of the locality.

7. Although the appellant refers to the use of good quality external finishes, the overall form, mass, position and style of the appeal scheme would not relate well to the existing dwellings in the locality. The appellant also refers to the imposition of a condition to ensure that the appeal scheme reflects the character of the locality. In my view a condition relating to materials could be imposed. However, this would not overcome my concerns regarding the cramped appearance or the form, mass, position and style of the scheme and its detrimental effect on the character of the locality.

8. Thus the appeal scheme would be contrary to UDP DC6.2c which requires the scale and design should be compatible with the surrounding area. It would also be contrary to UDP Policies H2.7 and H2.2. Policy H2.7 states that new housing schemes will be expected to be of a high standard of design and make a positive contribution towards improving the City's environment. Policy H2.2 indicates that the Council will not allow development which will have an unacceptable impact on residential areas in terms of scale and appearance. Additionally *A Guide to Development in Manchester Supplementary Planning Document* adopted in 2007 (SPD) states, at paragraph 7.2 that new housing should not be viewed in isolation and proposals must be designed having regard to not only the immediately adjoining buildings but the wider area also.

Second Issue - Living conditions - Outlook

9. The appeal scheme is located immediately adjacent to the rear yard wall of No 120. It would result in a change in built form close to the rear boundary of No 120 from an asymmetrical building with mono pitch roof with a maximum roof height of some 3.5m to both asymmetrical and symmetrical gables facing towards the rear of No 120 with a maximum ridge height of some 5m. Therefore, given the small separation distance, of some 10m, between the appeal scheme and the windows at No 120 when combined with its increased height, I consider that the appeal scheme would create a prominent feature, which would appear overdominant when

viewed from the ground floor and first floor rear habitable room windows and from the rear yard.

10. The front elevation of the appeal scheme faces towards the rear part of No 122 Dickenson Road. This is a very large semi-detached dwelling, which I am told is divided into student flats. Given that the appeal scheme has increased the height of the previous building when combined with the close proximity to the side elevation of No 122, I consider that there would be some loss of outlook from the side windows on the rear part of the building. However, I do not consider that this would be significantly harmful to the occupiers of No 122 on the basis that these windows serve a corridor and a shared rear kitchen.

11. Therefore, although I do not consider that there would be a detrimental effect on the living conditions of the occupiers of No 122 in terms of outlook, I do consider it would have a harmful effect on the occupiers of No 120 and as such would not accord with UDP Policy DC6.2d, which refers to a sufficient space between the proposed dwelling and existing dwellings to avoid overdominance.

Living conditions - Privacy

12. The appeal proposal would have French windows and a window at ground floor level and 2 windows at first floor level facing towards Nos 1 and 3 Hall Road. Given the adequate separation distance of some 19m and the high boundary wall, I consider that there would be no material harm to the living conditions of the occupiers of Nos 1 and 3 Hall Road in terms of overlooking.

13. The appeal proposal would also have 2 windows and a door at ground floor level facing towards the side elevation of No 122 Dickenson Road. However, I consider that any overlooking of No 122 from the ground floor rooms of the appeal scheme would be prevented by the high party fence separating the scheme from No 122. There would be 2 rooflights serving first floor bedrooms, but I consider that these would be at a sufficiently high level and would prevent views from these rooms towards No 122. Moreover, the solid door opening at first floor level which provides access to the store above the garage would not create any significant loss of privacy. Any concerns to convert this space to living accommodation could be controlled by the imposition of a condition effectively withdrawing permitted development rights. In my view the appeal scheme would not result in a significant loss of privacy and as such would not conflict with the UDP Policy DC6.2a.

Living conditions - Noise and Disturbance

14. The appellant indicates that pedestrian access to the appeal site would be via the drive of No 122 Dickenson Road. A tall fence would be erected between the east elevation of the appeal scheme and the west elevation of the rear part of No 122 Dickenson Road. I, also, note that the appellant has stated that visitors to the appeal dwelling may park on Dickenson Road and access the appeal dwelling via the pedestrian access. In my view, an intensified use of the driveway by pedestrians would create additional noise, especially with the opening and closing of a gated access to the appeal scheme, and would disturb the occupiers of Nos 120 and 122 Dickenson Road.

15. The appellant contends that there would not be a significant increase in noise from vehicular activity to and from the site on the basis that the previous use also involved vehicular movement. The appeal scheme includes a garage and off road parking, which would be accessed via double gates. In my view the creation of a 2 bedroomed dwelling could accommodate a family or up to 4 adults. Such occupation would create more regular and frequent vehicular activity by the comings and goings of the residents of the dwelling and this would, in turn, create

noise and disturbance in terms of vehicle noises created by the revving of engines, vehicular movement over the irregular cobbles on the alleyway, the opening and closing of the proposed gates to the appeal site and the banging of car doors. All of these noises would disturb the nearby residents. Thus the noise created by regular vehicular activity throughout the day, evening, night and weekends would significantly harm the occupiers of the surrounding properties.

16. This would be contrary to UDP Policies DC6.2b and H2.2. Both of which indicate that development should not generate significant increases in noise and disturbance for the occupiers of adjoining dwellings.

17. Furthermore, I am told that there is an alley-gating scheme application pending, which relates to the immediate rear alleys adjacent to the appeal site. If such a scheme were to be implemented then the opening and closing of these gates would add to noise and disturbance to the immediately adjacent properties. This would be a further disadvantage of the scheme.

Third issue – Designing out crime

18. UDP Policy E3.5 requires that the layout of new development should be designed with safety in mind and should not lead to the creation of isolated areas. Paragraph 8.4 of the SPD indicates that developments should promote informal surveillance of streets and that buildings should front streets as they encourage security for street users.

19. Given the backland location of the appeal scheme when combined with its high boundary enclosure, I consider that the proposal would be an isolated development and as such natural surveillance would be minimal. Passers-by on Hall Road would only be able to glimpse views of the garage via one of the rear alley ways through the proposed vehicular access gates. Thus views of the proposed dwelling from passing pedestrians or vehicles would not create effective surveillance. The appellant states that there would be some surveillance from the occupiers of the adjacent dwellings from their upper floor rear or side windows. However, these rooms tend not to be occupied throughout the day and have typical uses as bedrooms or corridors. In my view any natural surveillance would be irregular and intermittent. Therefore, I consider that the appeal scheme would be vulnerable to crime. I note that the appellant indicates that a CCTV and a variety of '*Secured by Design'* measures would be incorporated. However, for these to be effective constant monitoring would be required and to impose a condition to this effect would be unreasonable. Therefore, I consider that the appeal scheme would create an isolated dwelling and as such it would fail to provide a safe environment for future occupiers. Thus the appeal scheme would conflict with UDP Policy EC3.5.

Other Matters

20. Concerns have also been raised by a third party regarding highway safety. However, the Highway Authority has not objected to the scheme. The appeal scheme includes the widening of the existing drive to No 122 and concerns have been raised regarding pedestrian safety especially as there is a refuge close to the drive. In my view the widening of the drive would allow an additional vehicle to park and given that the appeal scheme would have vehicular access via the rear alleyway, I consider that the proposed widening, to allow an additional vehicle at No 122 and pedestrian access to the appeal scheme, would not materially affect highway safety. With regard to the concern relating to the loss of garage/ turning space, these concerns could be controlled by the imposition of conditions withdrawing permitted development rights to ensure the retention of the garage and turning circle in perpetuity. This would overcome any concerns that there would be reduced vehicular manoeuvrability within the site. With regard to the

concern relating to the tight width of the rear alleyways, the appeal proposal would be accessed via narrow rear alleys, which are less than 3m in places. I note that this would create difficulties for some drivers unaccustomed to driving in narrow spaces. However, such drivers have the option of parking on nearby roads and accessing the appeal site on foot.

21. I note the concern that the increased usage of the rear alleyways could compromise pedestrian safety and the safety of children using the alleys. Consequently I consider that the potential risks pedestrian/child safety in the rear alleyways are further disadvantages of the appeal scheme.

22. I acknowledge that the appeal scheme would comply with the *Code for Sustainable Homes* to level 3 standards and that it would have disabled access in accordance with UDP Policy DC7. However, these do not outweigh my concerns regarding the detrimental effect the scheme would have on the character and appearance of the locality or on neighbours' living conditions.

23. I note the appellant's comments that several properties in the area are run down, unoccupied or are in multiple occupation and that the appeal scheme would improve the existing run-down character of the locality. However, I have found that the appeal scheme would detrimentally affect the character and appearance of the locality.

Conclusions

24. Although I have concluded that the appeal scheme would not have a detrimental effect on the adjacent properties in terms of privacy and would not materially harm the outlook to the occupiers of No 122 Dickenson Road, I have concluded that it would significantly harm the character and appearance of the locality and the general amenity of the area in terms of noise and disturbance. Also it would have a significantly harmful effect on the outlook of the occupiers of No 120 Dickenson Road and would result in an isolated dwelling that would not create a safe environment for future occupiers. Thus the appeal scheme would have a seriously detrimental impact on the locality and this is the determining factor in this case. Not least because of the requirement of UDP Policy DC6.2 that all tests should be applied before permission is granted. The appeal scheme conflicts with UDP Policies DC6.1 and DC6.2 b, c and d. It also conflicts with UDP Policies H2.2, H2.7 and E3.5 as well as the SPD. For the reasons given above, and having regard to any other matters raised, the appeal should fail.

Mrs A Fairclough

Inspector