Appeal Decision

Site visit made on 6 July 2010

by S R G Baird **BA(Hons) MRTPI**

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

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Decision date:
22 July 2010

Appeal Ref: APP/B4215/A/10/2126392
Land to the rear of 49-65b Slade Lane, Longsight, Manchester M13 0QJ

- 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 M Afzel against the decision of Manchester City Council.
- The application Ref 089843/FO/2009/N2, dated 15 April 2009, was refused by notice dated 21 October 2009.
- The development proposed is a change of use from light industrial to residential, the demolition of all buildings on site and the erection of 3 detached dwellings.

Decision

1. I dismiss the appeal.

Main Issues

2. The first issue is the effect on neighbours' living conditions with particular regard to loss of privacy, outlook, overshadowing, noise and disturbance. The second issue is the effect on the character and appearance of the area.

Reasons

Living Conditions

3. Development plan[1] Policies, H2.2, DC6.1 and DC6.2 seek to ensure that new development does not have an unacceptable impact on the living conditions of nearby residents. Dealing first with overlooking and loss of outlook, I consider the main houses to be affected would be those immediately to the west, particularly Nos. 61 to 63a Slade Lane, and No. 12 Dobcross Close immediately to the south.

4. The rear elevations of Nos. 61 to 63a, which contain habitable room windows, would be directly overlooked by secondary bedroom windows on the first and second floors of the side elevation of the nearest house. With No. 12, the bulk of the rear garden would be directly overlooked by the principle windows of a living room on the first floor and a bedroom on the second floor of the nearest proposed house. I accept that in redeveloping dense urban areas, some overlooking is to be expected. However, here the gap between the proposed and existing houses would be such that the degree of overlooking, particularly of the rear garden area of No. 12, would be such that the living conditions of residents would be unacceptably affected making them less pleasant place to live in and use. In terms of outlook, although the depth of the proposed house to the rear of Nos. 61 to 63a would be some 11m, the impact in terms of being dominant and overbearing would be acceptably mitigated by its orientation.

[1] The Manchester Plan – The Unitary Development Plan for the City of Manchester

However, given the limited separation to the rear of No. 12, I consider that, given the position and height of the most westerly house, it would appear unacceptably dominant and overbearing when viewed from the rear garden; again making it a less pleasant place to use. This adverse impact would not be mitigated by the open character of land to the east. I note the appellant's submission that there are no separation distances that the development can be tested against either in the development plan or in local guidance. Accordingly, whilst I agree that any judgement on the impact of overlooking and outlook is subjective it is based on professional experience and judgement

5. In terms of noise and disturbance, vehicular access to the site would be across a forecourt used for parking by the residents of Dobcross Close. For the majority, given wideness of the forecourt and the likely low level of traffic generated by 3 houses, I consider there would be no material impact in terms of noise from comings and goings. Notwithstanding this conclusion, the access would be close to the front elevation of No. 12 and there would be some impact in terms of noise from comings and goings. Whilst, on its own, this may not be a reason for refusal, given my conclusions above, it adds weight to my concern that this scheme would make No. 12 a materially less pleasant house to live in. On overshadowing and loss of light, I consider the orientation of the proposed dwellings and the houses to the west and south is such that there would be no material impact on the amount of daylight or sunlight received.

6. Notwithstanding my conclusions regarding the impact of comings and goings on most residents in Dobcross Close, the impact on the outlook of residents at Nos. 61 to 65a Slade Lane and the effect on daylight/sunlight, these considerations, along with the potential benefits of replacing an industrial use with family housing, do not outweigh my conclusion on the unacceptable affect the proposal would have on residents particularly the occupiers of No. 12, in terms of loss of outlook and privacy. Accordingly, I conclude on this issue that the proposal would conflict with the objectives of development plan Policies H2.2, DC6.1 and DC6.2.

Character and Appearance

7. Both development plan policy (H2.2 and H2.7) and national planning policy in Planning Policy Statements 1 and 3 seek to encourage a high standard of design and layout. To encourage and facilitate improvements to the urban fabric, the Council has adopted a Guide to Development in Manchester Supplementary Planning Document (SPD) and Planning Guidance. The Council indicates that as a backland site, the proposal conflicts with the SPD in that it does not present its main face to the adjacent main street and that the design and layout of the development does not relate well to and respect the setting of the site. SPD sets out general principles and guidance across the whole of the city. Given its general nature, it is not to be followed slavishly, to do so would have the effect of ruling out development on otherwise acceptable sites. Here, whilst the development does not relate to a main street, which in this case would be Slade Lane, it does relate to Dobcross Close and would have the effect of visually closing off the cul-de-sac.

8. Whilst the nature and style of existing development should not preclude imaginative and innovative designs, what is proposed should seek to relate well to it and respect its setting. Here, the mass, design and appearance of the

houses in Dobcross Close seek to reflect their relationship with Slade Hall, a nearby Listed Building. Whilst the removal of some of the existing trees to give access to the site would not be unacceptable or adversely affect the general appearance of the area, the creation of the access would serve to emphasise the relationship of the scheme to Dobcross Close. PPS3 makes it clear that good design is fundamental to the development of high quality new housing. Here, given the strong vertical emphasis of the houses and their mass and appearance, I consider this scheme would appear incongruous and sit uneasily with the existing development on Dobcross Close. Whilst I appreciate that the appearance, layout and use of the existing site does little to contribute positively to the quality of the urban fabric that is not a reason to permit an unacceptable scheme. Accordingly, on this issue I conclude that the proposed development would conflict with the objectives of development plan Policies H2.2 and H2.7.

Other Matters

9. The forecourt in Dobcross Close is wide and allows residents' cars to be parked at 90° to the houses. I saw that there were a substantial number of cars parked on the forecourt and I anticipate that in the evenings when most residents are at home there is a high demand for space. Although the area is not formally marked out for parking its dimensions and layout clearly indicate that is designed for car parking. The proposed access would be close to the front of No. 12 and result in the loss of one or more spaces leading to inconvenience for residents. Again, this adds weight to my conclusion that the proposed development would be unacceptable. I have noted the appellant's comments and concerns about pre-application consultations and Council's subsequent handling of the application. However, these are not matters that I can not comment on as part of a S78 planning appeal.

Conclusions

10. For the above reasons and on balance, I conclude that the proposed development would unacceptably affect the living conditions of residents and the character and appearance of the area contrary to the objectives of development plan and national planning policies. Accordingly and having regard to all other matters raised, I conclude that the appeal should be dismissed.

George Baird

INSPECTOR