The Planning Inspectorate

Appeal Decision

Site visit made on 8 January 2013

by Anne Jordan BA (Hons) MRTPI

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

Decision date: 1 February 2013

Appeal Ref: APP/B4215/A/12/2183375
Land at Viola Street, Clayton, Manchester, Lancs, M11 4LD

- 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 R C Property Management Ltd against the decision of Manchester City Council.
- The application Ref 098747/FO/2012/N2, dated 5 March 2012, was refused by notice dated 30 April 2012.
- The development proposed is erection of 1 no. retail unit with living accommodation to be occupied by tenant of retail premises.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:

   - The effect of the appeal proposal on the character and appearance of the area;
   - The effect of the proposal on safety and security, having regard to the risk of crime;
   - The effect of the proposal on the objectives for housing in the area, including the need for a balanced supply of dwelling types.

Reasons

3. The site comprises land currently used as public highway, which forms a gap in the frontage between a small commercial parade including California Wines at 104 North Road, and the residential terrace of 96 to 102 North Road. The entrance to Viola Street has been closed off to vehicular traffic and landscaped, and property on the street has been cleared for redevelopment. Nonetheless the road forms a natural pedestrian route to residential development on Stanton Street and beyond. The wider area has been subject to a number of regeneration schemes and comprises mostly modest dwellings of varying age and design.

   Character and Appearance

4. The existing pattern of terraced housing provides a coherent and connected street layout with a clear route through to North Road, of which the end of Viola Street forms a legible gap. The gap is important as an obvious pedestrian link and as a natural break in the frontage, typical and

characteristic of the local area. The new building would disrupt the existing pedestrian route and would remove the clear view of North Road, and as a result would be at odds with the established urban form. Furthermore, the proposal seeks to assimilate the new building into the streetscene by reflecting the appearance of the adjoining terrace, which is itself utilitarian in design. By replicating the existing form, the proposal fails to take the opportunity to actively improve the streetscape, or to enhance the quality of the area. In this regard it would be harmful to the character and appearance of the area.

5. In conclusion the proposal would have an unacceptable impact on the character and appearance of the area. The Council have put forward a number of policies, some of which have now been replaced by policies in the Adopted Core Strategy. Of those I have been referred to, the one I consider most relevant is Policy DM1, which states that all development should have regard to the character of the surrounding area in terms of the design, scale and appearance. The proposal would not comply with Policy DM1 in these respects. Furthermore, the development would fail to comply with guidance contained within the National Planning Policy Framework (the Framework) para 64 which states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions. The development would additionally fail to comply with guidance in paragraph 61 of the Framework, which states that planning decisions should address the connections between people and places and the integration of new development into the built environment.

Safety & Security

6. The proposal would fill the majority of the existing Viola Street roadway, leaving a footpath of around 3 metres wide and 12 metres long. The adjoining elevations would be flank walls with limited openings. Despite the proposals for the return of the shop front and the provision of the balcony, in reality the space would not be overlooked for the majority of the day and night. As a result, the development would create an alleyway, largely free of natural surveillance, which would be unlikely to be perceived as being safe for pedestrian users, particularly at night. Furthermore, the space has the potential to be used by congregating youths with a resulting risk of antisocial behaviour, and harm to living conditions for nearby residents, including those immediately adjacent at No 102.

7. The development includes a corner shop frontage to North Road, and a secondary frontage to the rear, facing onto Viola Street, both intended to open up the frontage and increase natural surveillance. However, full height glazing would be vulnerable to vandalism, and the degree of security the duel frontage would provide is dependent upon the internal layout of the shop, which could not be effectively controlled. I note the suggestion of Greater Manchester Police to restrict access to the rear with a fence, and to provide defensible planting. I also note the appellant's intention to provide street lighting. However, I do not consider that such measures would overcome the harm to safety and security that would be caused by the development.

8. The development would therefore be likely to lead to a risk of crime, and is therefore considered unacceptable under the terms of policy DM1 of the Adopted Core Strategy, which seeks to have regard to community safety and

crime prevention within new developments. It is also contrary to guidance contained within paragraph 69 of the Framework, which seeks to provide safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life.

Housing Objectives

9. The proposal would create a one bedroom flat with independent access, which the appellant has stated would be used in conjunction with the retail unit. The flat is small, but it provides adequate internal space and an acceptable amount of external amenity space for a single person or couple. I do not accept the Council's stance that the unit would be unacceptable in regard to the oversupply of apartments in the area. The provision of a single unit above a shop is an acceptable form of sustainable development which would allow supervision of the retail premises and would make no material difference to the balance of housing available in Clayton.

10. The development would not therefore harm local housing objectives. I have been referred to a number of policies, of these, policy H4, which gives priority to family housing, is most relevant and I see no conflict with it. I also take into account guidance contained in the Framework, which seeks opportunities to increase urban capacity and housing provision where appropriate.

Conclusions

11. Whilst I have concluded that the proposal would not have an adverse impact on housing mix, the harm the scheme would cause to the character and appearance of the area and to the safety and security of the locality would be significant. I do not consider any benefits derived from the provision of a retail unit and small dwelling, including any associated employment, to outweigh the harm identified.

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR