The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2014

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 25 November 2014

Appeal Ref: APP/B4215/A/14/2223880
11 Middleton Road, Manchester, M8 5DT

- 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 Western UK Property Group against the decision of Manchester City Council.
- The application Ref 105473/FO/2014/N1, dated 16 April 2014, was refused by notice dated 12 June 2014.
- The development proposed is the subdivision of existing units into 4 no. apartments.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The development applied for has been carried out.

3. Although the description given in the application form refers to the subdivision of existing units into 4 apartments, the submitted plans also show a new boundary wall and external alterations to the building which have been carried out. These works are also referred to in the Council's decision notice and statement, and the appellants' grounds of appeal. I have therefore determined the appeal on the basis that planning permission is also sought for the external alterations and boundary wall.

Main Issues

4. The main issues in this appeal are:

(i) Whether the use of the property for 4 flats undermines the Council's aim of achieving an appropriate mix and balance of housing provision in the locality.

(ii) Whether the development preserves or enhances the character and appearance of the Crumpsall Lane Conservation Area.

(iii) The effect of the development on the living conditions of neighbouring residents, having regard to noise and disturbance, and increased parking demand.

Reasons

Mix and balance of housing

5. The appeal site is located within a predominantly residential area that comprises a mixture of detached, semi-detached, and terrace houses. However a large number of other properties in the vicinity have been converted into flats.

6. The Council consider that the appeal building would make reasonable sized family accommodation. My attention has been drawn to Policy H3 of the Manchester Core Strategy Development Plan Document 2012 (Core Strategy), which sets out the need to prioritise family housing provision within North Manchester, with new higher density housing to be concentrated close to regional and district centres as part of mixed use schemes as well as along high frequency public transport routes. The supporting text to this policy also highlights the findings of the Housing Need and Demand Assessment 2010 (Arc4) which indicates that there is a need for 3-4 bed family housing in North Manchester.

7. Having visited the site and studied the submitted plans I have no reason to conclude that the building is not be capable of providing suitable family accommodation as 3 bedroom dwelling houses. Although Policy DC5 of the Unitary Development Plan for Manchester 1995 (UDP) sets out a general presumption in favour of flat conversions that are on main road frontages in residential areas and welcomes this where larger old, difficult to re-use properties are involved, this is also subject to other relevant policies within the plan.

8. To this end the location of the appeal property does not safeguard family housing. I appreciate that Policy H3 of the Core Strategy refers to other high value, high quality development. However, whilst the works to the building have improved its appearance there is little evidence before me to substantiate that it can be classed as a high value, high quality development. In any case the development does not accord with the conditions in Policy H3 that are required to support a higher density of development. As such the it conflicts with the wider housing objectives of North Manchester as set out in the Core Strategy.

9. It has been put to me that the development has brought a vacant development back into active use, improved un-desirable housing stock, generated higher land values and has offered social improvements to the occupiers of neighbouring properties, including a reduction in the potential for crime. Nonetheless, these factors do not outweigh or negate the harm that I have identified above.

10. I have had regard to the appellants' evidence which indicates that around 10 family houses (containing 3+ bedrooms) are available on the property market within a quarter of a mile of the appeal site. However, I do not consider these examples to provide detailed evidence to quantify a lack of demand or need for single family housing in this area.

11. In support of their case the appellants have also submitted evidence to substantiate their claim that the property was previously used for flats. However this is not a matter for me to determine in the context of an appeal

made under S78 of the Town and Country Planning Act 1990. It is open to the appellant to apply for a determination under sections 191/192 of the Act to determine this matter, and any such application would be unaffected by my determination of this appeal. As such this limits the weight that I can attach to it as a fallback position.

12. I therefore conclude that the development has a harmful effect on the overall mix and balance of housing provision in the area. As such it conflicts with the aims of Core Strategy Policies DM1 and H3 and saved Policy DC5 of the UDP. Collectively these seek, amongst other matters, to safeguard family housing in an area of demonstrable need, whilst ensuring that development has regard to the character of the surrounding area.

Character and appearance

13. I have been provided with limited information on the conservation area as a whole and its significance as I do not have a conservation area appraisal before me. Nonetheless, I consider its special interest and significance to derive from its semi-rural historic character and streetscape. This includes a number of large villas and terraces and the front boundary treatments in this area which comprise low brick and stone walls, some of which have mature planting above.

14. The appeal building and its immediate neighbouring properties sit at a higher level than the busy Middleton Road highway. This difference in levels has resulted in the majority of their frontage comprising approximate 1 metre high boundary walls with some hedgerows and shrubbery above. This provides a pleasant spacious and relatively green character.

15. The Council have not raised any objections to the refurbishment and appearance of the building and its effect on the Conservation Area. Having seen this on my site visit I have no reason to disagree.

16. However the piers and metal railings that have been erected above the brick wall are overly high and bulky, and in total the front wall measures approximately 1.8 metres in height. In combination with its prominent position along the back edge of the pavement it therefore presents a robust and conspicuous enclosure. Whilst I appreciate that the original wall may have been in poor condition, its replacement appears incongruous in the context of the spacious landscaped frontages of the conservation area.

17. The appellant has suggested that amendments to the wall could be covered by an appropriate condition; however this would fundamentally alter its design and appearance without a detailed scheme being before me to assess. As such I consider that it would not be reasonable to deal with this matter by condition.

18. The development therefore fails to preserve the character and appearance of the conservation area. Nonetheless, the impact is relatively localised and I consider that the harm caused to the character and appearance of the wider conservation area is less than substantial.

19. The National Planning Policy Framework (the Framework) suggests that less than substantial harm to a heritage asset should be weighed against the public benefits of the proposal.

20. The appellant has put forward that there are wider regeneration benefits associated with the development, including visual amenity and social wellbeing, and I am aware of its relatively sustainable location. However I do not consider these to be of such public benefit to outweigh the harm that has been caused to the Crumpsall Lane Conservation Area and its significance as a heritage asset.

21. I therefore conclude that the wall does not preserve or enhance the character and appearance of the Crumpsall Lane Conservation Area. In this regard, the most relevant policies referred to me are Policy DM1 of the Core Strategy and DC18 of the UDP. Amongst other matters these require regard to be had to the design, scale and appearance of developments, including the desirability to retain existing features such as boundary walls in ensuring that the conservation area is preserved or enhanced. The development therefore conflicts with the aims of these policies.

Living conditions

22. The two bedroom flats, like the previous dwellings at 11-13 Middleton Road, and many of the properties in the surrounding area do not have any off-street car parking provision. It is recognised that the appeal site is located within walking distance of a number of local shops and services, and bus stops. However, I am also aware of its close proximity to the M60, M62 and M66 Motorways and consider that there is likelihood that some tenants of the flats would rely on the private car to undertake a number of journeys.

23. At the time of my weekday morning site visit it was apparent that there are on-street parking restrictions in front of the appeal site; however I also saw that space was available along Catherine Road and Moxley Road to accommodate additional cars.

24. Those living in the vicinity of the site will presently experience noise and disturbance consistent with its residential character, and I do not consider that any modest additional activity associated with four 2 bedroom flats, whether that be by its future occupiers or visitors would over-intensify the use or materially add to noise levels in terms of coming and goings. Moreover, a planning condition, similar to that recommended by the Council's Environmental Health Section, requiring a scheme of sound insulation could further safeguard neighbouring occupiers' living conditions.

25. In this regard, the most relevant policies referred to me are Policy DM1 of the Core Strategy and DC5 of the UDP. These require, amongst other things, for new development to have regard to its effect on amenity, including noise and traffic generation. I do not consider the development to conflict with the aims of these policies.

Other Matters

26. In reaching my conclusions I have taken into account the appellant's reference to other sections of the Framework and the presumption in favour of sustainable development. However the subject of "achieving sustainable development" in the Framework has 3 dimensions, which are economic, social and environmental roles that are expected to be delivered equally. Clearly, development has to comply with all three strands to be declared sustainable. For the reasons provided above it is not considered that the development

satisfactorily addresses these requirements. It therefore does not constitute sustainable development as it does not comply with the environmental or social roles of sustainability.

27. It is noted that the appellant is dissatisfied with the Council's handling of the application. However, this is a matter that would need to be pursued with the Council in the first instance. I confirm that in this respect, I have only had regard to the planning merits of the development that is before me.

28. I also note that no objections have been received from neighbouring residents; however, this is not a determining factor in the consideration of an appeal. The question is whether there would be unacceptable harm, even if objections have not been lodged.

Conclusion

29. The proposed development does not conflict with the intentions of the Core Strategy and UDP concerning the living conditions of the residents of neighbouring properties. This factor, however, does not outweigh the harm that is caused to the overall mix and balance of housing provision in the area and the harm to the character and appearance of the conservation area. Therefore, my overall conclusion is that the appeal should be dismissed.

Mark Caine

INSPECTOR