APPEAL BY:
Mr Mohammed Hussain

AGAINST MANCHESTER CITY COUNCIL'S REFUSAL TO GRANT PLANNING PERMISSION FOR:

Retention of front and side external canopy

AT
338-340 Dickenson Road, Manchester, M13 0NG

Manchester City Council's Reference: 141323/FO/2024

WRITTEN REPRESENTATIONS: GROUNDS OF APPEAL

June 2025

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1.0 INTRODUCTION

1.1 This statement has been prepared by RJS Planning, on behalf of Mr Mohammed Hussain, in support of the appeal lodged against the refusal of planning application reference 141323/FO/2024.

1.2 The application was dated 16th October 2024 and sought retrospective planning permission for the "*Retention of front and side external canopy*" at nos. 338-340 Dickenson Road in Manchester. The application was refused under delegated authority on 24th December 2024 for the following reasons:

1) The front canopy extension, by reason of its design, appearance, siting and scale forms an unduly prominent, incongruous, and obtrusive addition to the application property. It is poorly related to the characteristic arrangement of adjacent parade of shops, and the wider streetscene. The development therefore has a negative impact upon the character and composition of the host building and is thereby harmful to the residential and visual amenities of the area, including the amenities of occupants of houses along Albert Place, contrary to policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester and policy JP-P1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

1.3 These grounds of appeal will address the central concerns raised within the council's reason for refusal, notably:

- Whether the front canopy extension, forms an unduly prominent, incongruous, and obtrusive addition to the application property; and

- Whether the development has a negative impact upon the host building and is harmful to the residential and visual amenities of the area, including the amenities of occupants of houses along Albert Place.

1.4 To clarify the appellant commenced work on the scheme in February 2024 completing it in March 2024 not realising that planning permission was required. Upon establishing an application was necessary the appellant as worked proactively to regularise the development.

1.5 To set some context, this statement will first provide a description of the appeal site and the proposed development. This statement will then discuss the relevant national and local planning policy before responding to the council's concerns.

2.0 THE SITE

2.1 The appeal site is located on a corner plot to the southern side of Dickenson Road and eastern side of Albert Place. The property forms part of a short parade of commercial units. The surrounding area is predominantly residential although the site is not within Conservation Area.

Aerial view of the appeal site and surrounding area

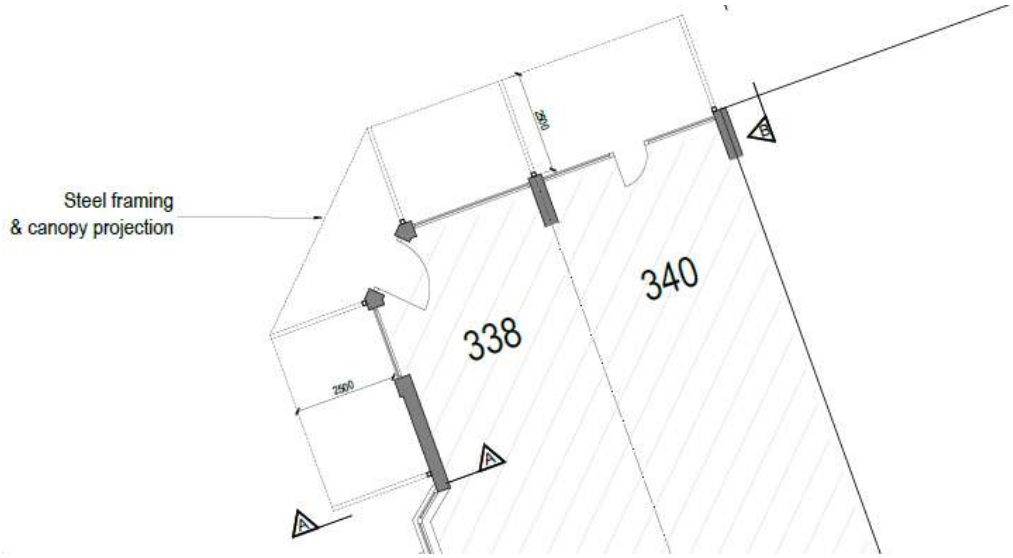
2.2 The subject property operates as a ground-floor retail unit which has residential accommodation above.

Nos. 338-340 Dickenson Road

3.0 THE PROPOSED DEVELOPMENT

3.1 The appeal proposal seeks retrospective planning permission for the "*Retention of front and side external canopy*" at no. 338-340 Dickenson Road.

3.2 The canopy projects from the Dickenson Road frontage, extending over the angled entrance to the premises and continuing along the return elevation to Albert Place. It extends 2.5m in depth and is positioned approximately 2.6m above ground level.



Proposed canopy

3.3 The structure comprises a metal frame supported by cantilevered posts with a profiled corrugated metal sheet roof. The roof provides covered space for the external display of goods.

4.0 RELEVANT PLANNING POLICY

4.1 The reason for refusal refers to policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester and policy JP-P1 of Sustainable Development Joint Development Plan Document - Places for Everyone. Although not referred to within the decision the National Planning Policy Framework is also considered relevant.

National Planning Policy Framework (NPPF) 2024

4.2 The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Although the NPPF was not mentioned in the given reasons for refusal, the following sections and paragraphs are relevant to this appeal.

Presumption in Favour of Sustainable Development

4.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

Decision-making

4.4 Paragraph 38 states that Local planning authorities should approach decisions on proposed development in a positive and creative way.

Building a strong, competitive economy

4.5 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Achieving well-designed places

4.6 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that "*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*."

4.7 Paragraph 135 states that planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Core Strategy for the City of Manchester

4.8 The Manchester Core Strategy is a key planning document that guides the city's long-term development. Policies DM1, EN1 and SP1 were referred to within the given reasons for refusal.

Policy DM 1: Development Management

4.9 All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.
- Effects on amenity, including privacy, light, noise, vibration, air quality, odours, litter, vermin, birds, road safety and traffic generation. This could also include proposals which would be sensitive to existing environmental conditions, such as noise.
- Accessibility: buildings and neighbourhoods fully accessible to disabled people, access to new development by sustainable transport modes.

Policy EN 1: Design Principles and Strategic Character Areas

4.10 All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above, while considering the strategic character area in which the development is located.

Policy SP 1: Spatial Principles

4.11 Development in all parts of the City should:-

Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
- making a positive contribution to the health, safety and wellbeing of residents

- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- Protect and enhance the built and natural environment.

Places For Everyone Joint Development Plan Document

4.12 In January 2019 Greater Manchester set out bold plans to give people, communities and businesses hope and confidence for the future. They described how a pioneering Greater Manchester was 'open for business' globally, how we would thrive and prosper into the future, how we would support everyone to reach their full potential, and how we would ensure that nobody was left behind - the Future of GM. Policy JP-P1 was referred to within the given reason for refusal.

Policy JP-P1: Sustainable Places

4.13 The aim is to become one of the most liveable city regions in the world, consisting of a series of beautiful, healthy and varied places, each having the key attributes that all development, wherever appropriate should be consistent with:

Distinctive, with a clear identity that:

A. Conserves and enhances the natural environment, landscape features, historic environment and local history and culture;
B. Enables a clear understanding of how the place has developed; and
C. Respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Durable, being built to last and using robust materials that reflect local character, weather well and are easily maintained.

Functional and convenient, enabling people and uses to act efficiently with minimal effort, and responding to needs relating to servicing, recycling facilities, refuse collection and storage.

Easy to move around for those of all mobility levels, particularly by walking and cycling, with enjoyable routes free from obstacles and disorientating stimuli, and with places to rest.

Well served by local shops, services and amenities, including education and health facilities.

5.0 THE APPELLANT'S CASE

Introduction

5.1 The appellant's case will focus on the central concerns of the reason for refusal, notably:

a. Whether the front canopy extension, forms an unduly prominent, incongruous, and obtrusive addition to the application property; and

b. Whether the development has a negative impact upon the host building and is harmful to the residential and visual amenities of the area, including the amenities of occupants of houses along Albert Place.

5.2 The main considerations in the determination of this appeal are:

- Principle of the development
- Design and impact on the property, street scene and wider locality
- Impact on the residential amenity of neighbours
- Further material considerations

Principle of development

5.3 Section 6 of the National Planning Policy Framework (NPPF, 2024) emphasises that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It specifically encourages the sustainable growth and adaptation of all types of business, including through the expansion of premises.

5.4 At the local level, Manchester's Core Strategy and the Places for Everyone Joint Development Plan support economic resilience and sustainable growth. Policy JP-P1 (Sustainable Places) seeks to ensure that neighbourhoods are well-served by local shops, services and amenities, contributing to the city's ambition to be one of the most liveable regions globally. Policy SP1 further encourages development that enhances the character and function of local areas.

5.5 The canopy facilitates the active use of the front forecourt for the display of goods, thereby enhancing the commercial functionality of the premises. This modest development supports the vitality and viability of the business and improves its weather resilience, aligning with the objectives of both national and local policy to support economic activity and adaptability.

5.6 The development is therefore consistent with the overarching aims of the NPPF and local planning policy, including JP-P1 and SP1, and should be supported in principle.

Its retention would contribute positively to the local economy and streetscape, and this policy alignment should be afforded significant weight in the decision-making process.

Design and impact on the property, street scene and wider locality

5.7 Paragraph 131 of the National Planning Policy Framework (NPPF, 2024) affirms that good design is a key aspect of sustainable development, helping to create better places in which to live and work and making development acceptable to communities. Paragraph 135 goes further, requiring developments to function well and add to the quality of the area over time, be visually attractive, and be sympathetic to local character, while not discouraging appropriate innovation or change.

5.8 Core Strategy Policy DM1 promotes a holistic high-quality design approach that contributes positively to the built environment, community well-being and environmental sustainability. Policy EN1 further supports developments that reinforce local identity and visual quality through context-sensitive design. In parallel, Policy SP1 expects development to contribute to a connected, inclusive and well-planned city that balances economic opportunity, environmental quality and liveability.

5.9 These design principles are echoed in Policy JP-P1 of the Places for Everyone Joint Development Plan, which seeks development that is distinctive, durable, and functional, and which respects the character and history of the locality.

5.10 The Council has refused the application on the grounds that the front canopy is unduly prominent and incongruous, with a perceived negative impact on the character of the building, the adjacent shop parade, and the wider streetscene, including residential amenity. However, this conclusion overlooks several material factors.

5.11 The canopy projects from the front and side elevations of the building although it does not impede the use of the public pavement. Its form has been designed to respect the layout of the host building, framing the angled entrance and return elevation without disrupting pedestrian circulation.

5.12 The self-supporting cantilevered structure avoids reliance on street-level posts, thereby preserving openness and ensuring that the forecourt remains accessible and unobstructed. This approach minimises street clutter, which counters the council's argument that the proposal results in street clutter, while enhancing the commercial frontage in a manner that is both functional and visually contained.

Proposed front and side canopy

5.13 While the council describes the structure as obtrusive, it is important to recognise that the application site forms part of a short parade of commercial units within an

otherwise predominantly residential area. In this context, the canopy serves as a feature that supports commercial functionality without undermining the surrounding residential character. Its modest scale and restrained appearance avoid any sense of overdominance, and its siting over the forecourt ensures that it remains visually contained. Rather than appearing incongruent, the structure enhances the commercial frontage in a way that reinforces its active use and contributes modestly to local vibrancy.

Proposed canopy

5.14 The officer's assertion that the canopy disrupts the "*characteristic sense of spaciousness*" at the corner of Dickenson Road and Albert Place does not account for the physical configuration of the site, which includes the historic use of the

pavement for outdoor display. The canopy formalises this arrangement while preserving unobstructed pedestrian movement, and sightlines across the junction. Rather than diminishing spaciousness, the structure improves the spatial legibility of the commercial frontage without encroaching or affecting the public realm.

5.15 It is notable that no objections have been raised by highway or community safety officers, and the structure does not give rise to any measurable harm in terms of public safety, crime, or surveillance. In fact, the enhanced use of the forecourt may contribute positively to informal social monitoring and street vitality, consistent with paragraph 135(f) of the NPPF.

5.16 The criticism that the development is poorly related to its surroundings fails to acknowledge that design assessments are inherently subjective. Given the commercial nature of the setting and the structure's scale, its impact on visual amenity is minimal and, if anything, contributes to the distinctiveness and adaptability of the premises—both qualities promoted in JP-P1.

5.17 While it is accepted that neighbouring premises do not currently benefit from similar canopies, this does not preclude appropriate, well-executed additions elsewhere. The structure is not excessive in height or depth and adopts a restrained palette of durable, low-maintenance materials appropriate for a commercial setting. It responds directly to the operational requirements of the business while respecting the architectural lines of the host building.

5.18 While the profiled metal finish does differ from the host façade, it is a deliberate and functional design choice. In commercial settings, robust and easily maintained materials are often introduced to reflect contemporary usage needs especially for weather-resistant structures. The structure's clean lines, muted finish, and compatibility with the existing commercial parade ensure that it neither dominates nor detracts from the host building. In this context, the contrast in materiality introduces visual interest without resulting in visual discord.

5.19 In summary, the design is both functional and contextually sensitive. It enables a more flexible and resilient use of the site while preserving the openness of the frontage and ensuring that the visual amenity of the area is maintained. The proposed development is therefore considered compliant with the design objectives of the NPPF (paras 131 and 135), Policies DM1, EN1 and SP1 of the Manchester Core Strategy, and Policy JP-P1 of the Joint Development Plan.

5.20 However, if the Inspector is minded to agree with the council's concerns regarding the corrugated metal roof, the appellant would be willing to consider a revised finish or alternative roofing material. This could be secured by condition and would

maintain the intended functionality of the structure while responding positively to the site's visual context.

Impact on the residential amenities of neighbours

5.21 Paragraph 135f) of the NPPF requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

5.22 Core Strategy Policies DM1 and SP1 reinforce this principle, requiring development to make a positive contribution to the health, safety and well-being of residents, with particular regard to amenity impacts such as outlook, noise, and visual quality.

5.23 The council's reason for refusal asserts that the canopy causes significant harm to residential amenity, particularly for occupants along Albert Place, due to its visual prominence and perceived departure from the established character of the area. However, this conclusion is not supported by any technical evidence, nor is it reflected in the public response to the proposal.

5.24 The canopy extends across the Dickenson Road frontage and partially along the return elevation facing Albert Place. It is positioned at ground floor level, well below the sightlines of first-floor residential windows, and does not obstruct daylight, outlook or privacy for any neighbouring dwellings.

5.25 During the consultation process, only one representation was received, and this did not object to the canopy in principle, only requesting that it not obstruct natural light to neighbouring businesses. No objections were raised by residents of Albert Place or by any statutory consultees, including highways.

5.26 The absence of public concern, combined with the modest scale and siting of the structure, strongly suggests that the development does not result in any material harm to residential living conditions. The canopy is visually contained within the commercial frontage and does not encroach upon residential boundaries or introduce any overbearing or intrusive effects.

Position of canopy relative to first floor windows

5.27 On the contrary, the structure may offer a degree of acoustic buffering for first-floor residents directly above the premises, helping to mitigate incidental noise associated with customer activity and deliveries. This contributes positively to the acoustic environment and supports the well-being of occupants.

5.28 Furthermore, the canopy formalises the use of the forecourt in a manner that is orderly and visually coherent. As evidenced in the submitted photographs, the

structure is of a high-quality design and finish, and its presence enhances the appearance of the premises, contributing to a more active and well-maintained frontage. This, in turn, supports perceptions of safety and community vitality—both key components of residential amenity under paragraph 135(f) of the NPPF.

5.29 In summary, the council's conclusion that the development causes harm to residential amenity is not substantiated by evidence or public response. The proposal does not give rise to any adverse impacts in terms of light, outlook, privacy, or noise, and instead contributes positively to the character and functionality of the site. The development is therefore consistent with the objectives of the NPPF and Core Strategy Policies DM1 and SP1.

Further material considerations

5.30 The appellant puts forward information relating to other similar developments which have taken place in the local area. These display a mix of well-executed developments and additions which detract from the area. By comparison the development proposed at the appeal site has a positive effect on the character of the street scene enhancing its vibrancy. Planning consents where known are provided.

Kashco Limited, 35-37 Slade Lane, Longsight, Manchester, M13 0QJ

Al Faisal Cash & Carry, 2A Slade Lane, Levenshulme, Manchester, M13 0QE

Wordwide, 24 Slade Lane, Levenshulme, Manchester, M13 0QE.

5.31 The canopy at no. 24 was approved under application 060342/FO/NORTH2/00 on 10th November 2000

Manchester Superstore, 536-538 Stockport Road, Longsight, Manchester, M12 4JJ

5.32 Consent was received under application 117565/JO/2017 to allow the storage of fruit and vegetables within the canopy to the front of the new supermarket on 14th December 2017.

King Continental Cash & Carry, 103-107 Beresford Road, Levenshulme, Manchester, M13 0TA

5.33 Planning permission was received under application 096709/FO/2011/N2 for the enclosure of front canopy to form a single storey extension to shop front on 15th December 2011.

Sharif & Sons, 55-59 Beresford Road, Levenshulme, Manchester, M13 0GT

5.34 Permission was granted for the installation of a canopy to the shop front under application 052460/FO/CENTL2/97.

Deshi Bazar, 10 Meldon Road, Longsight, Manchester, M13 0TZ

Tehzeeb Mart Limited, 95 Hamilton Road, Levenshulme, Manchester, M13 0AE

BD Mass Bazar, 8 Stamford Road, Longsight, Manchester, M13 0SF

5.35 Some of the highlighted examples demonstrate that when implemented sensitively, front canopy extensions can have a positive effect on the character of the area.

6.0 CONCLUSION

6.1 The proposed canopy supports the established commercial use of the premises and aligns with both national and local planning objectives to create conditions in which businesses can invest, expand, and adapt. By providing a weather-resilient space for the outdoor display of goods, the development contributes positively to the economic vitality and day-to-day function of the premises and the wider parade. It is consistent with Section 6 of the National Planning Policy Framework, Manchester Core Strategy Policies SP1 and JP-P1, and the overarching ambition to support sustainable, inclusive local centres.

6.2 The canopy is a modest, self-supporting structure of appropriate scale and proportion, responding directly to the site's operational needs while respecting the architectural lines of the host building. It has been designed to avoid visual clutter and preserve permeability across the forecourt, with no unreasonable encroachment onto the public highway. While contemporary in form, it adopts a restrained appearance and utilises durable materials suited to its commercial setting. The design remains visually contained and supports an active frontage, thereby complying with the design principles set out in Policies DM1, EN1 and the NPPF.

6.3 The development does not result in any adverse impacts in terms of daylight, outlook, or privacy and has not generated objections from neighbouring residents or statutory consultees. Given its scale and position within a mixed-use context, the structure does not impose on the residential character and amenity of the surrounding area. On the contrary, by formalising forecourt activity and offering acoustic benefits to first-floor occupants, the canopy can be seen to support neighbourly living. The proposal therefore satisfies the requirements of Policies DM1 and SP1, and paragraph 135(f) of the NPPF.

6.4 Thus, it is stated that the council's reason for refusal is unsound as the development would be consistent with policies DM1, EN1 and SP1 of the Core Strategy for the City of Manchester and policy JP-P1 of Sustainable Development Joint Development Plan Document - Places for Everyone.

6.5 The National Planning Policy Framework (NPPF) states that decision-makers at every level should seek to approve applications for sustainable development where possible and that applications should be considered in the context of the presumption in favour of sustainable development. The proposed development would not be contrary to national, regional or local planning policy, and, for the above reasons, it is politely requested that this appeal is allowed.