Planning Inspectorate

Appeal Decision

Site visit made on 17 December 2024

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2025

Appeal Ref: APP/B4215/W/24/3347204
86 Clarendon Road, Manchester M16 8LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Aneet Kapoor against the decision of Manchester City Council.
- The application Ref is 138387/FO/2023.
- The development proposed is sub-division of existing dwellinghouse to form two new dwellings with amenity provision and associated external alterations.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:

   - the effect of the proposed development on the provision of large single family dwellinghouses within the local area.
   - the effect of the proposed development on highway safety with particular regard to the effect of additional on-street parking.
   - the effect of the proposed development on the living conditions of nearby residents, with particular regard to noise and disturbance; and
   - the effect of the proposed development on the character and appearance of the area with particular regard to the parking of vehicles.

Reasons

Provision of large single family dwellinghouses

3. The appeal site is a traditional large semi-detached property located on Clarendon Road. The area is suburban in character with a reasonably high density of housing following traditional street patterns. Several Victorian terraced streets are accessed off Clarendon Road, which is a main residential road running from east to west. The road itself has a mixture of mainly semi-detached traditional dwellings and short terraces, with some detached properties.

4. The property is currently a six-bedroom dwelling across three main floors with a basement. The subdivision would include external works to provide a ramp, handrail and access door to the side of the property. The two apartments proposed would comprise a two-bedroom and a four-bedroom unit with a communal garden.

Both apartments would meet internal space standards and provide cycle and refuse provision.

5. The Council's evidence states that the area has historically had a high rate of conversions of family homes to flats, therefore further conversions are not supported, in order to retain family housing stock in the area.

6. Policy H6 of the Manchester Core Strategy 2012 to 2027 (CS) specifically refers to South Manchester where the appeal site is located, and states that outside of district centres, the priority will be for housing which meets identified shortfalls, including family housing. The site is not within a district centre where higher density development would be appropriate and the proposed development would see the loss of a single large family dwelling.

7. The proposal would create a four-bedroom apartment over two floors which based on the evidence before me could accommodate a family. However, the family unit would encompass the first and second floors, with no direct access to the garden at the rear. Furthermore, the garden for the four-bedroom unit would be communal, therefore there would be no private outdoor space for future occupiers of the family unit. There are recreational spaces within the locality and I have no doubt that these would provide occupiers with conveniently located areas for exercise and play. However, they would not fulfil the private space requirements of a family.

8. Therefore, for the reasons mentioned the proposal would have an unacceptable effect on the provision of large single family dwellinghouses within the local area. Therefore, the proposed development would not accord with policies H1, H6 and SP1 of the CS which between them state that development should provide housing to meet local needs and to diversify housing stock in mono-tenure areas by increasing the availability of family housing, including for larger families and support the provision of family housing outside of district centres. The proposal would also conflict with policy DM1 which requires development to have regard to adequacy of external amenity space and private green space.

9. Policy DC26 of the saved The Manchester Plan Unitary Development Plan (UDP) relates to noise and does not directly link to the harm identified in this issue and therefore I find no specific conflict with policy DC26 of the UDP when reaching my conclusion on this main issue.

Highways

10. The site is located off Clarendon Road which is a main road through Whalley Range with many cul-de-sacs leading off it. Due to the age of the traditional dwellings many do not have the benefit of private off-street car parking. At the time of my site visit, which is a snapshot in time, cars were parked along both sides of Clarendon Road and pulled up onto the kerbs, restricting the width of the pavements.

11. The appeal site does currently have off-street car parking to the rear of the property, for at least one vehicle. This is accessed off a shared driveway with the neighbour of the adjacent pair of semi-detached properties. The shared driveway serves the neighbour's property which leads to a garage style building in their garden.

12. The access between the properties is narrow and based on my observations and the evidence provided would only just accommodate a car width to pass comfortably as existing. Therefore, the proposed ramped access to the side with handrail would extend 700mm into the shared driveway leaving a width of 2300mm according to the Council in their officer's report. I consider that this would considerably restrict the access to the rear of both numbers 86 and 88 for cars and I have no substantive evidence to demonstrate otherwise. Therefore, the off-street car parking for the appeal site and the neighbouring property could be lost.

13. Due to the existing car parking situation along Clarendon Road which has a heavy reliance of on-street car parking, the loss of existing car parking for two dwellings, together with the creation of an additional two bedroom unit with an additional household would create further demands on on-street parking, which is already under pressure.

14. Increased parking demand would result from the proposed development, and in an area of limited provision, may lead to additional congestion as drivers seek to find a parking space, or park illegally. Parking along the restricted areas and in part across the pavement would reduce the carriageway and footway's width. As a result of this I am concerned that those with buggies or mobility scooters for example would be impeded by parked cars in certain places and may have to use the carriageway. Therefore, the proposal would worsen accessibility and contribute to highway safety issues.

15. I note that the site is within a sustainable suburban location with ample access to public transport. However, this does not outweigh the concerns I have regarding highway safety due to the loss of car parking and increased car parking demand that would likely arise from the proposed development due to the creation of an additional housing unit.

16. For the reasons mentioned, the proposed development would have a detrimental effect on highway safety due to an increased demand on on-street car parking and would therefore be contrary to policies SP1, DM1, and H1 of the CS which require developments have regard to road safety, traffic generation, vehicular access and car parking and to make a positive contribution to the health, safety and wellbeing of residents.

17. Policy H6 of the CS relates to the type of housing provision in South Manchester and policy DC26 of the UDP relates to noise. These policies do not directly link to the harm identified in this issue and therefore I find no specific conflict with policy H6 of the CS or policy DC26 of the UDP when reaching my conclusion on this main issue.

Living Conditions

18. Having regard to the living conditions of neighbouring occupiers, the proposed development would not see an increase in the overall number of bedrooms, however, the creation of an additional housing unit with an additional household would likely see an increase in activity at the site from the comings and goings of residents and visitors, therefore the potential to create a greater level of noise and disturbance for neighbouring occupiers.

19. Whilst there is likely to be a higher level of noise and disturbance with two households instead of one, the units would have two separate entrances therefore

comings and goings would not be disruptive to the relationship between the proposed units. However, additional activity to the side of the property as a main access to the ground floor apartment would see increased noise and disturbance for the neighbouring property who shares the driveway between the houses, as it would bring activity closer to their property. Notwithstanding this, I do not find that the creation of the entrance to the side would create a level of noise and disturbance to be detrimentally harmful to neighbouring occupiers over and above the noise experienced by neighbouring properties currently from the existing six-bedroom dwelling. The Council's Environmental Health Officer has raised no objections with regards to noise subject to conditions.

20. For the reasons mentioned the proposal would not conflict with policies SP1, DM1 and H1 of the CS and DC26 of the UDP which between them seek ensure that new developments make a positive contribution to the health, safety and wellbeing of residents, have regard to effects on amenity including privacy of residents and neighbours and noise, and consider the implications of new development proposals which are likely to be generators of noise. Insofar as they relate to the matters raised in relation to living conditions.

21. Policy H6 of the CS relates to the type of housing provision in South Manchester and does not directly link to the harm identified in this main issue, therefore I find no specific conflict with policy H6 of the CS when reaching my conclusion on this main issue.

Character and appearance

22. The proposed development would create additional demand for car parking on the street, by removing off-street car parking which has been discussed above. The appearance of the street as a result would appear more cluttered with cars, especially those being parked on the pavement due to restricted parking in the area. However, the number of additional cars expected as a result of the proposed development would be unlikely to have a detrimental effect on the character and appearance of the area above what is already experienced from large numbers of parked cars along Clarendon Road.

23. The proposed development of the building includes the addition of a side door and ramp and handrail. Due to the small scale and set back of the proposed alterations to the property, I do not find that the proposal would adversely affect the character and appearance of the area.

24. For the reasons mentioned, the proposal would not have an unacceptable effect on the character and appearance of the area in which it is located. The proposal therefore accords with Policy DM1 of the CS only insofar as it requires development to have regard to the character of the surrounding area.

Other Matters

25. An interested party has referred to the proposal in relation to heritage assets located nearby, due to this, together with my statutory duty under S66(1) and S72(1) of the Listed Building and Conservation Areas Act (1990) (as amended) (the Act) I therefore have had regard to the nearby heritage assets.

26. The appeal site is located outside of and to the west of the Whalley Range Conservation Area (CA) which is described by the Council as being characterised

by an area of large houses on tree-lined avenues and was established by Samuel Brooks as a suburb of Manchester. It was designed as somewhere people could escape increasing congestion in the growing industrial city. This character can be seen particularly to the west along Clarendon Road with mature trees lining the street.

27. Given the distance of the appeal site from the CA with several intervening properties and associated landscaping separating the site from the CA, I do not consider that the proposal would harm the significance of the CA through development affecting its setting.

28. A Grade II* Listed Building, GMB National College which is now the British Muslim Heritage Centre is located a short distance to the east of the site, the wall surrounding the grounds of the building runs a significant length along Clarendon Road. Its significance is derived from its age and design with many details including steps up to a moulded Tudor-arched doorway under a shield with angel supporters, gargoyles and pinnacles, with detailed fenestration and Gothick interior decoration. Due to the position of the building which faces away from Clarendon Road, the intervening boundary wall of the property and other dwellings and landscaping, I am satisfied that the proposed development would preserve the significance of the heritage asset, in so far as it derives from its setting.

29. Given the above, the proposal would preserve the special historic interest of the Grade II* Listed Building and the character and appearance of the nearby CA. This would satisfy the requirements of the Act, paragraph 212 of the Framework and policy DM1 of the CS which states that all development should have regard to built heritage.

30. The appellant has provided an appeal decision[1] in support of their case in their evidence, whilst the decision is for a scheme proposing the subdivision of a unit, that case does not appear to have the same distinct issues as the case before me. With particular regard to highways matters and on street parking, these do not appear to be as restricted as the case before me. In addition, the original dwelling size and proposed units are not comparable to this proposal. Furthermore, the appeal proposal appears to be in an area with a higher level of commercial use than the case before me and has a local centre nearby where higher density development may be more appropriate. Accordingly, this matter does not outweigh the harm identified in the main issues.

31. Based on the evidence before me, I note the relationship of the communal garden and a bedroom window of the ground floor apartment. As I am dismissing the appeal for other reasons, I am not required to consider this matter further, and therefore this does not affect the conclusion I have reached.

32. The appellant has stated that the proposed development would recycle urban land, whilst this matter is beneficial it does not outweigh the harm identified in the main issues.

33. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected

[1] APP/B4215/W/19/3231218 allowed with conditions 23 December 2019

characteristic and people who do not share it. The proposal would provide a ground floor unit with a ramp to provide disabled access, and therefore could affect a person with a protected characteristic. The negative effect of dismissing the appeal is that living accommodation for a person with a protected characteristic may not be provided.

34. Having regard to my duty, I have concluded that the decision to dismiss the appeal is proportionate in view of the reasons discussed in the main issues and having taken into account the benefits of providing accommodation suitable for a person with a protected characteristic. Therefore, the PSED considerations do not outweigh the harm identified in the main issues.

Conclusion

35. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it and for the reasons given above the appeal should be dismissed.

N Duff
INSPECTOR