



Appeal Decision

Site visit made on 17 December 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2025

Appeal Ref: APP/B4215/D/24/3353385

24 Amherst Road, Manchester M20 4NS

- 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 Mukthar Miah against the decision of Manchester City Council.
 - The application Ref is 140290/FH/2024.
 - The development is described as 'erection of outbuilding'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development in my banner from the appeal form, rather than from the application form, which sets out why the structure is required and how it will be used, although I have had regard to that explanation in my decision. I observed on my visit that the outbuilding is partially constructed, albeit not completed, and I have dealt with the appeal on the basis of its retention.
3. The Council's third reason for refusal states that the applicant has provided insufficient information regarding flood risk. According to the appellant, a Flood Risk Assessment by RIDA ('the FRA') was submitted to the Council at application stage, and I have been provided with a copy as part of the appeal.
4. As it is unclear whether the Council received the FRA before determining the application, I therefore gave it an opportunity to comment on it as part of this appeal. No response was received.
5. Finally, the latest version of the National Planning Policy Framework was published in December 2024 ('Framework'), and I have had regard to its policies in my decision. As its Section 5, which is referred to in the Council's decision, addresses housing supply, it is of little or no relevance to the main issues in this appeal.

Main Issues

6. The main issues are the effect of the development on:
 - The character and appearance of the host property and the area;
 - The living conditions of local residents, with particular regard to outlook; and
 - Flood risk.

Reasons

Character and appearance

7. The appeal site is within a fairly low-density neighbourhood, characterised by mainly semi-detached houses, with the long rear gardens on Amherst Road backing on to the equally spacious gardens on Alan Road. Some nearby houses have small domestic structures in their rear gardens, such as sheds. However, the spatial pattern of development, vegetation and the general absence of significant built form, give the rear gardens a spacious and verdant ambiance, which contributes to the area's locally distinctive character.
8. The outbuilding is located towards the end of the host's long rear garden. At 8.1 metres deep, 3.3 metres to the eaves and 4.3 metres to the ridge, it is much larger and taller than a typical garden outbuilding, and its scale is significantly greater than other garden structures that I observed nearby. Additionally, it has a rather awkward design, with a vertical emphasis and expansive areas of wall above its ground floor windows and doors, which increases its bulk.
9. The outbuilding would be faced in brickwork to match the host dwelling, and it is subordinate to it in scale. As it is located to the rear of the house it can only be glimpsed in the streetscene. However, it is clearly visible from nearby properties where, notwithstanding the partial screening afforded by trees and bushes, its scale, form and siting make it an imposing presence, which looms over adjacent gardens, and which is at odds with the area's spacious and verdant character.
10. Moreover, I cannot be certain that existing vegetation will be retained. Whilst the appellant has indicated his willingness to provide an additional hedgerow to the rear, no such details are before me, and given the outbuilding's height and its proximity to the plot boundaries, I am not convinced that an appropriate landscaped screen could be provided.
11. The outbuilding therefore harms the character and appearance of the area. It conflicts with Policies DM 1, SP 1 and EN 1 of the Manchester Core Strategy 2012 ('MCS'), Policy DC1 of the Unitary Development Plan for Manchester 1995 ('MUDP'), and Policies JP-Strat9 and JP-P1 of the Places for Everyone Joint Development Plan Document 2024 ('PFEP'). Amongst other things, and in broad terms, these require good design which maximises environmental benefits, and enhances or creates character having regard to the built and natural environment, and issues such as design, siting, scale, form and massing. It also conflicts with the Framework's requirement at Section 12 for good design which is sympathetic to local character.

Living conditions

12. The long side wall of the outbuilding is located very close to the plot boundary with 26 Amherst Road, and its rear gable is close to the boundary with 34 Mauldeth Road ('No 34'). Given its substantial height, and its proximity to those boundaries, it looms over the nearest parts of those properties' rear gardens. I appreciate that the areas affected may not be the most intensely used parts of their gardens, which are typically closer to the house, and that trees and vegetation provide a degree of screening. However, I cannot be certain that that vegetation will be retained; and for the above reasons, the outbuilding has an overbearing impact to the detriment of those occupiers' living conditions.

13. MCS Policy EN 1, which addresses the characteristics of different parts of the city, and PFEP JP-Strat9 which sets out an overall strategy for the Southern Area, are of limited relevance on this issue. However, the scheme conflicts with those parts of MCS Policies DM 1 and SP 1, MUDP Policy DC1, and PFEP Policy JP-P1 which require development to consider effects on amenity, and to make a positive contribution to wellbeing. It also conflicts with the Framework's requirement at paragraph 135 to create places with a high standard of amenity.

Flood risk

14. The FRA sets out that the site is within a critical drainage area, in Flood Zone 3, and at risk of surface and ground water flooding. However, it proposes mitigation measures to ensure that the development would be safe in terms of flood risk and that it would not increase flood risk elsewhere. Those include providing finished floor levels and services which would be raised above the design flood level, using appropriate building materials and construction techniques, the use of sustainable drainage systems, and ensuring that the occupants of the property are registered with the Environment Agency Flood Alert service.
15. Having regard to the LLFA comments dated 16 July 2024, and subject to the implementation of the FRA's mitigation measures, I am satisfied that the development would not have an adverse impact on flood risk. On this issue, the scheme does not therefore conflict with those parts of MCS Policies DM 1, SP 1 and EN 14 which require development to have regard to flood risk and drainage, and to make a positive contribution to the health, safety and wellbeing of residents; nor with the stance in the Framework, particularly its paragraph 176.

Other matters

16. Once completed, the outbuilding would provide additional accommodation for the household, including a multi-functional space for storage and a garden room. However, personal circumstances rarely outweigh general planning matters, as the effect of the development would remain long after those circumstances cease to apply. That private benefit to the appellant and his family carries only limited weight in favour of the scheme.

Conclusion

17. Summing up, I have found that, subject to the implementation of mitigation measures, the development would be acceptable in terms of flood risk. However, it harms the character and appearance of the area, and the living conditions of adjacent occupiers. The scheme's benefits do not outweigh the harms that it causes. Consequently, having regard to all other matters raised, including a representation from the owner of No 34, the appeal is dismissed.

Chris Couper

INSPECTOR