



Appeal Decision

Site visit made on 9 July 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/B4215/W/24/3337191

359-361 Wilbraham Road, Whalley Range, Manchester, Easting: 383238, Northing: 394069

- 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 James Henry, of Airshack Projects 359 Limited, against the decision of Manchester City Council.
 - The application Ref is 136805/FO/2023.
 - The development proposed is new single detached dwellinghouse and proposed changes to the windows on the West and South elevation of the existing apartment scheme.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 21 March 2024, after the appeal was submitted, the Council adopted the Places for Everyone Joint Development Plan Document (PfE Plan) as part of their Development Plan. The PfE Plan is a joint Development Plan Document produced by nine Greater Manchester districts, of which Manchester City Council is one. The Council has listed the relevant updated policies of the PfE Plan in their statement, which the appellant has had an opportunity to comment on. I have taken these into account accordingly.
3. The main parties have drawn my attention to an existing permission (Reference 125261/P30PA/2019) within the appeal site for the proposed change of use and conversion of the building from Office (Use Class B1) to 14 self-contained flats (Class C3). The appeal scheme includes changes to the west and south elevations of that building (the apartments) and the proposed elevation and floor plans have been submitted with the appeal. I observed at the time of my site visit that the building was occupied, and the works largely reflected the proposed plans. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the neighbouring occupiers of 1 Woodlands Road and the adjacent apartments, with particular regard to loss of natural light; and

- whether the living conditions of the occupiers of the apartments would be acceptable, with particular regard to the provision of outdoor amenity space.

Reasons

Character and appearance

5. The appeal site comprises land which previously formed part of the external amenity area of 359-361 Wilbraham Road, a large building converted into 14 self-contained flats (the apartment building). The land is separated from the apartment building by a fence and lies in between this building and a neighbouring residential property, 1 Woodlands Road (No 1).
6. The surrounding area nearby does not have any special designations, such as a Conservation Area. It is predominantly characterised by a variety of large two, three and four storey buildings, primarily in residential use, set within generous plots. There is a preponderance of mature street trees along the road and within the wider area. Overall, the surrounding area has a prevailing, spacious and verdant character and appearance.
7. The spacious gap at the rear of the apartment building is replicated towards the rear of other buildings that front Wilbraham Road. The proposed development would result in the loss of the spacious gap, introducing a large, detached, three storey dwelling onto the land.
8. The proposed dwelling would front Woodlands Road which has a mix of sizeable detached and semi-detached dwellings with a varied form and appearance, arranged along the road frontage.
9. The land has a narrow width when viewed from Woodlands Road and the proposed dwelling would be built up close to each side boundary, with minimal separation distances between the proposal and the two buildings either side. The proposed dwelling would also have a large footprint that would cover a large proportion of the site. As a result, the proposed dwelling would have a cramped and discordant appearance within the site, which would erode the open character at the rear of the apartment building. Therefore, even though the height of the proposal would integrate with the two buildings either side, the proposed dwelling would sit uncomfortably within the street scene and fail to respect the spacious pattern of development in the surrounding area.
10. In addition, while there are a mix of architectural styles on the road, the simple, contemporary design of the proposal would appear disjointed and stark, resulting in a noticeable and harmful variation within the street scene.
11. Furthermore, while I acknowledge that other nearby properties have introduced extensions, outbuildings, and parking areas, at the rear, these areas largely retain an open appearance. In particular, none have been developed for a new detached three storey dwelling.
12. For the reasons given above, I conclude on this main issue that the proposed development would be unacceptably harmful to the character and appearance of the area. Consequently, it fails to accord with the design aims of policies DM1, SP1, EN1 and H6 of the Manchester's Local Development Framework Core Strategy Development Plan Document, July 2012 (CS), saved Policy DC6 of the City of Manchester Unitary Development Plan (UDP), as well as Policy JP-P1 of

the PfE. These together and amongst other things, seek to ensure that development has regard to appropriate design, appearance, layout, form and massing, which enhance character, creating well designed places.

Living conditions of neighbouring occupiers

13. The proposed development would be built up to the common boundary with the apartment building on one side and close to the shared boundary with No 1 on the other side. The two side walls of the proposed dwelling would extend along a large section of the two side boundaries.
14. The apartment building is a three storey building with a number of habitable windows in its rear, south facing elevation, including a large dormer window in the roof space. Windows at ground floor and first floor on the rear elevation would have an outlook towards the blank side wall of the proposed dwelling.
15. There would be a minimal separation distance between the ground and first floor windows of the apartment building and the three storey side wall of the proposed dwelling. As a result, the juxtaposition of the proposed dwelling with the neighbouring ground floor apartment would result in an unacceptable loss of natural light to habitable room windows, as well as an oppressive outlook from the windows. Therefore, the proposal would be harmful to the living conditions of the occupiers of the ground floor apartment on the rear elevation.
16. No 1 also has existing large bay windows at ground floor and first floor in its side wall which would have a direct outlook towards the other blank side wall of the proposed dwelling.
17. The parties have been unable to establish what internal rooms the bay windows of No 1 serve, but the location and the size, would suggest that they serve habitable rooms. Therefore, even though the windows are north facing, due to the scale of the proposed dwelling and its juxtaposition with the neighbouring bay windows, an unacceptable loss of natural light, as well as an oppressive outlook from the windows, would be caused to the living conditions of the occupiers of No 1.
18. Consequently, for the reasons outlined above and on the evidence before me, I conclude on this main issue that the proposed development would cause unacceptable harm to the living conditions of the neighbouring occupiers of 1 Woodlands Road and the apartments, with particular regard to loss of natural light. Therefore, the proposal would conflict with Policy DM1 of the CS, which amongst other things, requires development to be of a good design, have regard to the effects on the amenity of neighbouring occupiers and make a positive contribution to the wellbeing of residents.

Living conditions and outdoor amenity space

19. The subdivision of the existing plot results in the level of external amenity space at the rear of the apartment building being significantly reduced in size. However, the appellant has submitted a plan which shows the extent of the outdoor amenity space available at the rear of the building.
20. The rear amenity space is still sizeable and is large enough for a number of the occupiers of the apartments to use at the same time. This would allow activities such as sitting out, drying clothes, and for children to play. As such, without

any substantiated evidence to the contrary, I am satisfied that the level of external amenity space is suitable for the occupiers of the apartment building.

21. For the reasons outlined above and on the evidence before me, I conclude on this main issue that the living conditions of the occupiers of the apartments would be acceptable, with particular regard to the provision of outdoor amenity space. Therefore, the proposed development would not conflict with Policy DM1 of the CS, which amongst other things, require development to provide adequate external amenity space.

Other Matters

22. The creation of an additional family house in an accessible urban area, would help to provide natural surveillance and it would contribute to boosting the supply of new housing, as referenced in the Framework. The development could also be delivered relatively quickly due to it representing a vacant, small site. I also acknowledge that there would be social and economic benefits to local services during the construction and occupation phases without conflict with neighbouring land uses. However, these benefits would be limited by virtue of the proposal only adding one additional dwelling to the housing supply in the area.
23. The appellant raises concerns about positive pre application advice that was previously received from the Council, only to be changed at a later date. However, this does not affect my consideration of the planning merits of the proposed development.

Conclusion

24. In conclusion, the proposal would be harmful to the character and appearance of the area, as well as to the living conditions of neighbouring occupiers. This harm, taken together, draws the scheme into conflict with the development plan read as a whole. I attach substantial weight to that harm. Whilst I have identified that the proposal would be acceptable in terms of the provision of outdoor amenity space, this is of neutral effect when weighed in the planning balance.
25. Consequently, I conclude that the proposed development would conflict with the development plan as a whole and there are no material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with it. For these reasons, the appeal should be dismissed.

N Bromley

INSPECTOR