



Appeal Decision

Site visit made on 2 April 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2024

Appeal Ref: APP/B4215/W/23/3331828

254 Middleton Road, Manchester M8 4WA

- 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 Ahmed against the decision of Manchester City Council.
 - The application Ref is 137494/FO/2023.
 - The development proposed is change of use of part existing ground floor to family owned retail shop. First Floor rear extension to existing dwelling and alteration to boundary treatment to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, the Council have adopted Places for Everyone Development Plan Document on 21 March 2024 and amended Policy SP1 the Manchester Core Strategy Development Plan Document (CS) to reflect the changes to policies. The main parties were given the opportunity to comment on the changes, and I have taken this into account in my decision.
3. The decision notice refers to Policy H4 of the CS however, the Council have confirmed that this is incorrect, and that the correct reference should be Policy H3. I have had sight of Policy H3 and have referred to it in the decision.

Main Issues

4. The main issues are:
 - the effect of the change of use on the character and appearance of the area;
 - the effect of the retail use on the living conditions of the occupiers of Middleton Road with regard to noise and disturbance;
 - the effect of the first-floor rear extension on the living conditions of the occupiers of 256 Middleton Road with regard to light and outlook; and
 - whether the proposal would reduce the availability of large family housing.

Reasons

Character and appearance

5. The appeal property is a previously extended, brick built semi-detached dwelling set back from the road behind a brick wall. It is the end of a row of four pairs of semi-detached dwellings, next to row of purpose-built ground floor retail premises with residential accommodation above. The proposal would utilise the extended ground floor reception area as a retail shop.
6. The semi-detached dwellings give a regular rhythm to the street scene which is an important characteristic of the area and different to the mixed commercial and residential buildings nearby. They mark a change to a more open and verdant character along Middleton Road. Moreover, there are examples of retail corner shops which are part of a residential building. However, the pairs of dwellings east of the road have a different character to the nearby commercial and retail units and the dwelling, along with the public footpath to the side they form a distinct boundary between the uses along the road. The introduction of the proposed retail premises would therefore harmfully disrupt the strong character of the existing buildings in the predominantly residential part of the street.
7. I conclude that the proposed change of use would harm the character and appearance of the area. It would conflict with Policies SP1 and DM1 of the CS which together amongst other matters seek to ensure that development has regard to the character of the area.

Noise and disturbance

8. The proposed parking space for the retail unit would be separated from the host dwelling by a new wall. However, the increase in visitors, including those parking at the retail unit, would cause disturbance to the occupiers of the host dwelling, as it would be close to the ground floor living accommodation. This differs from the parking at the nearby retail units, as the residential accommodation is on the upper floor. In addition, as the footpath is relatively wide, parking could occur outside the dwellings increasing the potential for disturbance for occupiers of the nearby dwellings.
9. The additional comings and goings from the retail unit are likely to cause some disruption to the neighbouring occupiers. Nevertheless, I accept that opening times for the retail unit could be controlled by condition, along with soundproofing.
10. I conclude that the retail use would harm the living conditions of the occupiers of Middleton Road with regard to noise and disturbance. It would conflict with Policies SP1 and SM1 of the CS which together amongst other matters seek to ensure that development has regard to the effect on amenity including noise.

Light and outlook

11. The proposed first floor extension would be the full width of the original dwelling and would extend over the existing ground floor extension as far as the existing first floor side extension. The first-floor window in the rear of the neighbouring property is close to the shared boundary with the appeal property.

12. Policy DC1 of the Unitary Development Plan for the City of Manchester (UDP) requires two storey extension to have a minimum of 1.52 metres between the side wall and the common boundary. In this case the proposed extension would be very close to the shared boundary.
13. Whilst the flat roof would reduce the impact on neighbouring occupiers, due to the orientation of the properties and proximity of the extended side elevation it would be overshadowed by it, reducing the amount of light to the first-floor window. Moreover, although the appellant's 45-degree light diagram and visual shows the impact for the summer, it does not give a full picture of the extent of potential overshadowing at other times of the year or at different times of the day. I cannot therefore be certain that the proposed extension would not cause overshadowing.
14. Additionally, the proposed extension would be an intrusive, oppressive and dominant feature in the outlook from the first-floor window and would make the room it serves less pleasant to use as a result.
15. I conclude that the first-floor rear extension would significantly detrimentally affect the living conditions of the occupiers of 256 Middleton Road with regard to light and outlook. It would conflict with Policies SP1, EN1 and DM1 of the CS and Policy DC1 of UDP which together amongst other matters seek to ensure that development does not create a loss of daylight and would not create a very narrow gap between the properties.

Availability of large family housing

16. The host dwelling has been previously extended, and the room proposed as a retail area is, according to the plans, used as a second reception area in addition to the original living/dining room. It is a five-bedroom property which due to a reconfiguration of the first floor, would be reduced to four bedrooms.
17. At ground floor level, the residual dwelling would be a similar size to the original dwelling and those close to it, and larger than them at first floor level. Hence, there would remain sufficient space to accommodate a large family.
18. I do not have any evidence on the availability of large family housing in the area, or the level of housing need. As the proposal would retain a large family house, I do not consider that there would be an unacceptable effect on the cohesion and sustainability of the neighbourhood.
19. Accordingly, I conclude that the proposal would not reduce the availability of large family housing. It would comply with Policies SP1, DM1 and H3 of the CS which together amongst other matters seek to ensure that priority is given to family housing and development has regard to the character of the area.

Conclusion

20. 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. For the reasons given above the appeal should be dismissed.

H Senior

INSPECTOR