

Appeal Statement of Case for the erection of canopies to the front and rear at 7 Alliot Walk, Hulme, Manchester, M15 5EW

Background

This statement supports an appeal against the refusal of planning permission by Manchester City Council for the erection of canopies to the front and rear at 7 Alliot Walk. The application was submitted on 4th December 2022 (reference 135536/FH/2022) and was refused planning permission on 6th March 2023 for the following reason:

- 1) The canopies, by virtue of their position and use of materials, create unduly intrusive and unattractive features harmful to the character and appearance of the area, to the detriment of visual amenity. The proposed development is therefore contrary to policies DM1, EN1 and SP1 of the Manchester Core Strategy and the National Planning Policy Framework (NPPF).

The Council have served an enforcement notice on the appellant for the canopies to be removed. This enforcement notice has been appealed under ground (g) of reference: APP/B4215/C/23/3316928.

Site and its Surroundings

The site comprises an end terraced dwelling forming a block of four properties. The dwelling backs onto a walkway which serves the row of dwellings. To the front is a large garden which runs adjacent to another row of dwellings which are set to the west of the host row of dwellings. The front garden has a side gate which links to another footway located to the rear of the host row of dwellings. The area is predominantly residential in character with mainly two storey, terraced properties.

Proposed Development

Retrospective planning permission is sought for the erection of two canopies either end of the host dwelling. The canopy at the rear is shown in the photograph below on the left. It consists of a simple canopy to cover the walkway from the rear door to the gate leading onto the footway. The canopy at the front is shown on the right hand photograph. The canopy is attached to the host dwelling and provides a sitting out area for the occupiers of the dwelling.



Canopy at the rear of the dwelling



Canopy at the front of the dwelling.



Front canopy



Rear canopy

Policy Considerations

The principal document within the development framework is the Manchester Core Strategy which sets out the spatial vision for the City and includes strategic policies for development during the period 2012 – 2027. The Council have referred to the following policies within the decision notice.

Policy SP1 (Spatial Principle) refers to the key spatial principles which will guide the strategic development of Manchester together with core development principles. It is stated that developments in all parts of the city should create well designed places which enhance or create character, make a positive contribution to the health, safety and well-being of residents, consider the needs of all members of the community and protect and enhance the built environment. Further, development should seek to minimise emissions, ensure the efficient use of natural resources, reuse previously developed land wherever possible, improve access to jobs, services and open space and provide good access to sustainable transport provision.

Policy DM1 (Development Management) states that new development should have regard to more specific issues for which more detailed guidance may be given within supplementary planning documents. Issues include: the appropriate siting and appearance of development, the impact upon the surrounding area, the effects on amenity, accessibility, community safety and crime prevention, health, the adequacy of internal accommodation and amenity space and refuse storage/collection.

Policy EN1 (Design Principles and Strategic Character Areas) - All development in Manchester will be expected to follow the seven principles of urban design, as identified in national planning guidance and listed above and have regard to the strategic character area in which the development is located. Opportunities for good design to enhance the overall image of the City should be fully realised, particularly on major radial and orbital road and rail routes

Material Considerations

The Council have referred to Policies DM1 and SP1 of the Core Strategy which indicate that consideration should be given to the effects of development upon the amenity, living conditions and the well-being of residents. It is highlighted that all developments should have regard to appropriate siting, layout, scale, massing and materials.

The Council have referred to the Guide to Development in Manchester (SPD) and consider it is an important material consideration in the determination of such developments. The SPD was adopted in 2007 which is some time ago and pre Planning Framework. The appellant therefore considers it should carry little weight.

Notwithstanding its determining weight, they refer to Paragraph 2.13 of the SPD which states the scale, position and external appearance of new buildings should respect their setting and relationship with adjacent buildings, enhance the street-scene and consider their impact upon the roofline and skyline. Buildings should recognise the common building line created by the front face of adjacent buildings.'

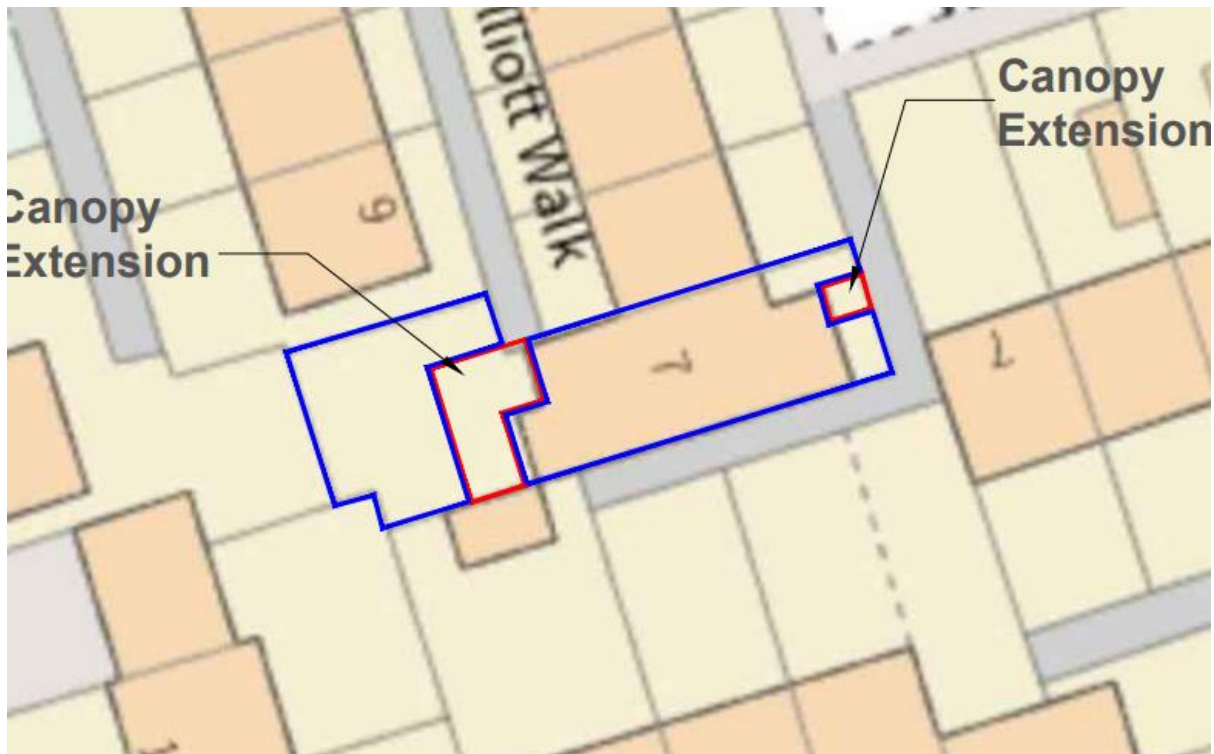
They also refer to Paragraph 11.13, which states that new developments are welcomed but building lines and boundary treatments should be maintained and the basic rhythm of the street-scene should not be lost by development crowding onto street frontages'. However Paragraph 11.3 of the document states this part of the Guide does not have SPD status. Therefore, the appellant further questions the weight this document should carry in the determination of this appeal.

The Council also refer to Saved Policy DC1 of the Unitary Development Plan in the officers report but no mention of it is made in the reason for refusal.

The Council have also referred to Paragraph 134 of the Planning Framework which states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. The appellant has considered the Councils design guide and contend that the proposed canopies are of a design that is in keeping with the character and appearance of the area.

The Council consider that the proposed canopies due to their, position, design, rearward projection and use of materials, have an undesirable, obtrusive effect on the street-scene and are detrimental to the visual amenity of the neighbouring occupiers. They also consider the canopies are situated in prominent positions. readily visible from the highway and public realm.

Dealing with the canopy to the rear of the dwelling first, it is of a modest size and extends from the front door to the gate. The canopy is not considered to be prominent in the streetscene, as it projects about 0.3 metres above the existing boundary wall. The canopy would be visible when the viewer is stood in close proximity to the site but is not prominent when viewed from a wider area. Furthermore, it protects the occupiers from rainy days as they use the rear door as an entrance.



Turning to the front canopy it is modest in size and not particularly visible when viewed from the walkway. The garden of the property is of a significant size, compared to neighbouring gardens and therefore the canopy in the context of the curtilage is of a relatively modest size. The remaining garden is still of a significant size and is not compromised by the canopy.

The canopy is of a simple flat roof design and is not particularly visible when viewed from the footway located to the front of the dwellings as the photograph above shows. The front canopy cannot be seen from the highway and is only visible when you are nearer to the gate and in front of No 5 & 6

With regard to residential amenity, for the neighbouring properties it is considered there will be no impact on the properties that form the rest of Alliot Way. With regard to the properties on Holdgate Way, the canopy projects above the side boundary wall by approximately 0.3 metres. However, the garden lengths of the properties on Holdgate Way are relatively long and the canopy can only be seen from their first floors. Overall, the canopy will cause no harm to their living conditions.

Overall the proposal will cause no harm to neighbouring residential amenity, it will not be harmful to the character of the area and it will still result in a significant area of remaining garden area. Furthermore, there have been no objections from any neighbouring residents.

For the above reasons the inspector is requested to allow the appeal.