

APPEAL against REFUSAL of Application ref 134993/FO/2022 by Manchester City Council Planners

Statement of Case – Erection of two x 3 storey dwelling houses with associated parking, landscaping and boundary treatment

Location: Land Adjacent To 30 Melling Street, Manchester, M12 4PH

The appellant and owner of 30 Melling Street wished to take advantage of the large side and rear garden to his property, by developing two new dwellings on the site. The new houses would add to the mix of residential units in the area and reduce the gardening maintenance burden on the existing small two bedroom property.

The site is situated in a predominantly residential area, close to Longsight District Centre, just south of Manchester City Centre.

The site is the side and rear garden of 30 Melling Street a two storey semi detached mid 20th Century property. The house is the last of the ex council estate properties to the east and is neighboured on its west side by Victorian terraced housing. The property is set back from the street with a small front garden with a drive way and timber garage to the side. The rear garden has some mature mixed hedgerow planting and trees.

To the south of the site is the entrance to the Lighthouse care home and the end of Farrant Rd a residential street of two storey terrace properties.



Fig 1 Site Aerial



Fig 2 Melling Street view

The Appellant has made several pre application enquiries with the Planning department for a range of possible redevelopment opportunities. The original enquiry in March 2021 was for five flats set back in the site following the building line of Farrant Road to the south. This was felt to be back lands development and potentially over development, even though the proposal followed the building lines of Farrant road and reflected the scale of the adjacent Lighthouse property.

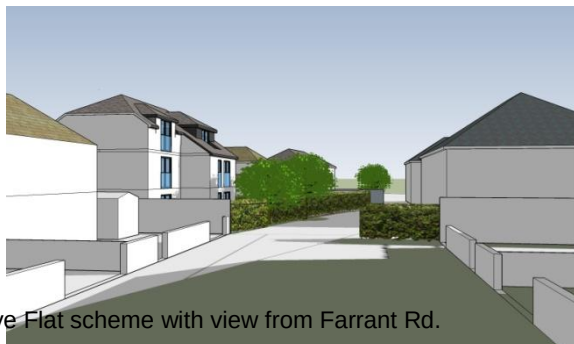


Fig 3 March 21 Five Flat scheme with view from Farrant Rd.



Following the comments from Planners the scheme was reviewed and a proposal for two 3 bed properties was put forward in May 21. The properties were situated to the south of the site following the building line of Farrant Road and provided off street parking and access from Melling Street. Again this was not supported on the grounds that it would constitute backlands development.



Fig 4 Site Plan proposed May 2021



Fig 5 Site Plan as submitted Sept 2022

The eventual application sought to avoid this back lands issue by moving the two houses closer to the Melling Street frontage. This allowed for two 3 bedroom properties over 2 and half floors, with large south facing rear gardens and off street parking for the two new and the existing properties to the front.

The properties are sized to achieve the MCC minimum space standards for 6 people each.

Following the Appellants review of alternative ways forward for the site over the following year, the application was formally submitted in September 2022. It was registered at the beginning of November and given a decision date of 23rd December.

Statutory consultation comments and Notice of Pre Commencement conditions were issued in early December and given the lack of any serious objections and the previous pre application discussions it was initially assumed that the current application had covered the previously expressed concerns. However an email from the Planning Officer on the 12 December expressed some concerns over the rearwards projection of the proposals on the adjacent properties in terms of overshadowing and loss of privacy.

On the 22nd of December we agreed with the Planning Officer to a three week extension, to 13th January 2023, over the Christmas period to review the scheme and address areas of concern.

Unfortunately on the 30th December we received an email saying the application could not be supported in any form and that the scheme was to be refused. A refusal was received without further communication on 10th January 2023.

We do believe that a slightly reduced scheme acceptable to both parties could have been agreed quite quickly in the New Year and were in the process of looking at ways to reduce the size of the rear set back of the proposal. However the Appeal will be based on the original application as the perceived effects on the amenity of the adjacent properties is we believe minimal.

Due to the orientation of the properties the rear south facing gardens of 30 and 28 Melling will receive full sunlight most of the day in Summer and Winter. 30 Melling only will have partial late afternoon shading. And 28 will only have late afternoon shading in the winter months. No other property in the vicinity is affected by overshadowing at anytime. See the shadow modelling images below.



Fig 6 Shadow Paths- Noon in March



Fig 7 Shadow Paths- Noon in June



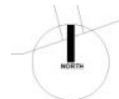
Fig 8 Shadow Paths- Noon in December



Fig 9 Shadow Paths- 8am March



Fig 10 Shadow Paths- 4pm March



The refusal states only one reason for refusal – ‘...by reason of its design and siting would have an overbearing impact on the neighbouring properties and would as a result have a detrimental impact upon the levels of residential amenity enjoyed by the occupants of nos. 28 and 30 Melling Street contrary to Policy DM1 in the Manchester Core Strategy and the guidance contained within the National Planning Policy Framework.’

Reason 1: Residential Amenity of 28 and 30 Melling Street –

- No. 30 is a small two bedroom house, owned by the Appellant, suitable for up to 3 occupants by MCC space standards, with a very large rear and side garden. No. 28 has been extended and is now a 3 bed 5 person house, with a very small rear garden. The large garden of no.30 has been reduced to a full width, 10m long rear garden, more in keeping with the size of the property and similar to the surrounding property garden sizes. Private open space amenity standards have not been compromised.
- As indicated in figs 6 to 9 each property has full sun to the rear gardens at noon throughout the year and is only partially overshadowed in the evening winter months. Sunshine amenity to gardens has not been compromised
- Using the 45° rules views the light level amenity of no. 28 are not compromised at all by the new development, whilst only the second bedroom window of no. 30 is marginally affected by the development. (see fig 10) A small reduction in the rear projection of the development would greatly reduce this effect.
- There is no loss of privacy for either property as the windows proposed for the gable end elevations are fixed lights up to 1.8m and obscured glazing.

Fig 11 views from windows

Rear of no. 30 Melling



View from second bedroom

45° view lines from 30
and 28 Melling



In conclusion our grounds for appeal are based on the fact that up until the end of this year we had been negotiating a scheme for the site and had thought we were close to agreeing a scheme. The last minute refusal on grounds we do not agree with has caused the Appellant loss of time and money. He was preparing to start on site in early spring, based on the likelihood of a positive outcome following negotiations in January.