



Appeal Decision

Site visit made on 24 May 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/B4215/W/22/3292926

60 Beech Road, Manchester M21 9EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tony Reynolds (Loca Shading Designs Ltd) against the decision of Manchester City Council.
 - The application Ref 131958/FO/2021, dated 18 October 2021, was refused by notice dated 21 January 2022.
 - The development proposed is a glazed retractable awning structure to the flat roof to create an outdoor terrace area.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the Wilbraham Road/Edge Lane (Extension) Conservation Area; and
 - the effect of the proposed development on the living conditions of occupiers of nearby residential properties, with particular regard to noise, privacy, and whether or not it would result in an overbearing effect.

Reasons

Character and Appearance

3. Number 60 Beech Road (No 60) is located within the Wilbraham Road/Edge Lane (Extension) Conservation Area (CA) and occupies a corner plot location at the junction of Beech Road and Acres Road. Beech Road is predominately commercial in nature with retail and commercial frontages at ground level and traditional red brick elevations and sash windows above. Several residential streets run perpendicular to Beech Road consisting mainly of red brick terraced dwellings. The significance of the CA is derived from a tight grain of primarily red brick terraced properties of traditional appearance, which form a generally linear form of development.
4. No 60 is a late 19th century two-storey end terrace property constructed in red brick, with a flat roofed timber clad single storey side extension. Due to its corner plot location the appeal property is particularly exposed and prominent within the street scene, particularly when approaching from the west. Despite the more recent single storey side extension which protrudes beyond the

original west elevation, and other changes and alterations that have been undertaken to its ground floor frontage, the property retains a traditional layout and appearance. This contributes positively to the significance of the CA.

5. The proposal seeks the erection of an aluminium framed retractable awning structure on top of the existing single storey side extension, with its southern and western elevations featuring full height rise and fall glass. Although the proposed structure would sit below the roofline of the host building and would be constructed using materials considered 'lightweight' in appearance, the proposed development would be of substantial bulk. When coupled with its proximity to the highway, this would result in an overly dominant form of development causing harm to the character and appearance of the area.
6. The design and appearance of existing commercial frontages differ along Beech Road, with windows, fascias and signage varying in size and design. Some premises also incorporate canopies or awning. These are typically located at ground floor level and do not interfere with the traditional red brick appearance of the upper floors which cumulatively contribute positively to the character and appearance of the CA and the wider area.
7. The appeal proposal would introduce commercial development and a substantial structure of contemporary design at first floor level. This would be on a prominent side elevation of the traditional red brick end terrace property. Its materials and appearance would be at odds with both the host property and the prevailing character of the area. Therefore, by virtue of its design, scale and appearance the proposed development would represent a visually obtrusive and incongruous feature that would cause harm to the character and appearance of the street scene whilst also failing to preserve or enhance the character or appearance of the CA.
8. It is acknowledged that the property known as 'The Boxworks', a three-storey mixed use property located on the opposite side of the junction with Acres Road, is of modern design. However, The Boxworks does not seek to compete with or replicate the traditional appearance of the circa late 19th century red brick properties which characterise this part of the CA. Furthermore, The Boxworks is also noticeably set back from the building line of other properties along Beech Road, reducing its prominence and impact within the wider street scene. It does not therefore justify the proposed scheme before me.
9. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on a designated heritage asset, great weight should be given to the asset's conservation. Whilst the harm I have identified would be moderate but less than substantial, it nevertheless is of considerable importance and weight. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
10. The proposed development would bring about social and economic benefits as it would help sustain the existing restaurant business and in turn assist in protecting the jobs of existing staff. This benefit is worthy of moderate weight. The proposal would also improve facilities for customers, however as the restaurant already benefits from an outdoor seating area this improvement would not be significant and I therefore attribute little weight to this benefit.

There would also be benefits to the local economy through the construction process, however given the temporary nature and modest scale of the proposed works these benefits would be modest.

11. When taken together however, and for the reasons I have given, the weight I would ascribe to the public benefits would not be sufficient to outweigh the harm I have found to the CA.
12. I conclude that the proposed development would adversely affect the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies SP1, EN3 and DM1 of Manchester's Development Framework Core Strategy Development Plan Document (2012) (CS), and saved Policy DC18 of the Unitary Development Plan for the City of Manchester (1995) (UDP). These policies seek, amongst other matters, to ensure that developments are of appropriate design, scale and appearance which will preserve or, where possible, enhance the historic environment.

Living Conditions

13. The appeal property currently benefits from a modest external seating area, located to the premises frontage. External seating areas are common at other nearby commercial premises, however these predominantly front onto Beech Road and do not intrude onto the adjacent residential streets.
14. The appeal proposal however would introduce a significant area of 'outdoor terrace' at first floor level primarily along the elevation fronting onto Acres Road. This would result in the outdoor terrace being located significantly closer to the residential properties on Acres Road than existing external seating areas. This would increase the likelihood of noise and general disturbance to occupants.
15. Proposed noise mitigation measures have been put forward by the appellant, including all glass being insulated or double glazed and no amplified music being broadcast within the proposed outdoor terrace area.
16. Notwithstanding the mitigation measures proposed, the proposal has clearly been designed as an outdoor terrace area. Whilst capable of being fully enclosed, its retractable awning and rise and fall motorised parapet glass wall suggests that during times of favourable weather, and in particular the summer months when nearby residents are also more likely to have their own windows open, the area is likely to be largely open and exposed. During such times, the effect of some of the mitigation measures would be significantly reduced. With up to 40 diners being sat largely in the open in close proximity to residential properties, I consider that this would result in an unacceptable increase in noise and disturbance to these neighbouring occupiers.
17. Given the mixed use character of the area, local residents are subject to a degree of background noise. However, it seems to me that the introduction of a substantial outdoor seating area would result in a significant increase in noise over and above that which already exists. In the absence of a noise assessment to demonstrate that this would not be the case, I am not satisfied that the additional noise generated by users of the proposed outdoor terrace area would not cause harm to the living conditions of nearby residents.

18. Regarding the effect of the proposal on the privacy of occupiers of neighbouring residential properties, the north elevation of the proposed development would be a solid timber clad wall. Accordingly, no views would be afforded from the proposed outdoor terrace area to the residential properties north of the appeal site on Acres Road. Consequently, I do not consider that the proposal would result in any loss of privacy for occupiers of these residential properties.
19. There are residential apartments on the opposite side of Beech Road as well as within The Boxworks to the west. These have first floor windows facing towards the proposed outdoor terrace area. However, due to the separation distance and angle of these upper floor windows to the proposed terrace, the proposal would not lead to unacceptable overlooking of these residential properties.
20. Due to its bulk and location at first floor level, the proposed development would be visible from nearby residential properties on both Acres Road and Beech Road. The development would project forward of the front elevation of the nearest residential dwelling, 67 Acres Road (No 67), located to the north of the appeal site. However, by virtue of its orientation and distance from the proposed development, No 67 would retain a reasonably open and unobstructed outlook. Other nearby residential properties are located greater distances from the proposed outdoor terrace area, and in some cases within three storey buildings. As such, I find that the proposed development would not have an unacceptable overbearing effect on occupiers of nearby residential properties.
21. I conclude that the proposed development would result in an unacceptable level of harm to the living conditions of the occupiers of nearby residential properties, with particular regard to the increase in noise and disturbance. It would therefore conflict with Policies SP1 and DM1 of the CS and saved Policy DC26 of the UDP which seek, amongst other matters, that developments make a positive contribution to the health and wellbeing of residents and have specific regard to its effect on amenity including noise.

Conclusion

22. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, which would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

David Jones

INSPECTOR