



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: 13 June 2022

Appeal Ref: APP/B4215/W/21/3288174

55 Slack Road, Manchester M9 8NJ

- 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 N Haque against the decision of Manchester City Council.
 - The application Ref 129865/FO/2021, dated 26 March 2021, was refused by notice dated 22 July 2021.
 - The development proposed is a single new dwelling.
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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;
 - the effect of the proposed development on the living conditions of occupiers of 55 Slack Road and residential apartments on Bankwood Court, with particular regard to privacy and light; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the provision of suitable outdoor amenity space.

Reasons

Character and Appearance

3. The appeal site forms part of the existing side garden of 55 Slack Road and is located within a predominately residential area. Whilst the surrounding area comprises a variety of house types, they are typically of traditional appearance, constructed in red or buff brick with grey tiled pitched roofs and set within rectangular plots with modest front gardens. The site is bound to the south by a vacant former scrap yard site which occupies an elevated position above the appeal site.
4. The appeal proposal seeks the erection of a three-storey detached dwelling of contemporary design. Although the proposed development would include the use of red brick and grey roof tiles, its front elevation would be dominated by a large expanse of full height glazing with grey brick panels which would fail to relate to the existing surrounding built environment. Furthermore, its large gable frontage design and subsequent roof ridge orientation would be at odds

with the prevailing character of the area and traditional design and appearance of nearby residential dwellings.

5. Although the appeal site is located at the end of a row of existing dwellings, due to both the vacant site to the south and its very close proximity to No 55, the proposed dwelling would retain a close visual relationship with the existing residential development to the north. Whilst the existing development is not uniform in appearance, due to its design, siting, and materials, the proposed dwelling would fail to relate to the existing built form. As a result, the proposed development would appear an incongruous feature within the street scene.
6. The overall plot size and shape would be comparable to others in the immediate locality. However, in contrast to the overall character of the area there would be very little separation distance between the proposed dwelling and the sites northern and southern boundaries. In particular, the proximity of both No 55 to the north, and the proposed retaining wall and raised ground level of the adjacent vacant site to the south, would result in the proposed dwelling appearing a cramped, awkward, and uncomfortable form of development.
7. The cramped and uncomfortable appearance of the development would be further exacerbated by its three-storey scale, which would fail to relate to the surrounding area which is characterised by predominately two storey dwellings. The appellant refers to two three-storey properties located near to the appeal site on either side of the junction of Marshbrook Drive and Slack Road. However, due to their corner plot location and the physical separation of the highway, they sit within more generous open plots which provide a more spacious feel.
8. I therefore conclude that the proposed development would cause harm to the character and appearance of the area. The development would conflict with Policies SP1, EN1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012) (CS) which seeks, amongst other things, to ensure that developments have regard to the character of the surrounding area in terms of design, scale, and appearance.

Living Conditions of Neighbouring Occupiers

9. The rear facing elevation of the proposed dwelling would incorporate two Juliette balconies at first floor level, with a further obscurely glazed window at second floor level. Whilst the rear elevation would face towards the residential properties on Bankwood Court, due to their orientation, distance, and the significant amount of screening provided by trees and planting along the boundary between the sites, I do not consider that the proposed development would result in an unacceptable loss of privacy to occupiers of the residential apartments on Bankwood Court.
10. With regards to the effect of the proposal on the living conditions of occupiers of No 55, whilst the rear elevation would protrude slightly beyond the rear elevation of No 55, I do not consider that the proposed first floor Juliette balconies would overlook the rear garden of No 55 to the extent that the living conditions of occupiers would be unacceptably harmed. I find that the relationship and overlooking between the Juliette balconies and the adjacent rear garden would not be dissimilar to that of any rear facing first-floor windows in a built-up residential area.

11. The proposed dwelling would be located in close proximity to the side elevation of No 55. Although the side elevation of No 55 contains a window and door at ground floor level and an obscure glazed window at first floor level, these do not serve habitable rooms. Consequently, whilst the proposed development would undoubtedly result in the amount of light reaching these windows being reduced, it would not result in the living conditions of occupiers being unduly harmed.
12. For these reasons, the proposed development would not harmfully change the living conditions of occupiers of No 55 or the residential apartments on Bankwood Court. Therefore, in regard to this main issue, the development would accord with Policy DM1 of the CS which seeks, amongst other things, to ensure that developments do not have an adverse effect on amenity including privacy and light.

Living Conditions of Future Occupiers

13. Due to the footprint of the proposed dwelling, its rear garden would be marginally shorter than the rear garden retained by No 55. However, this difference in length would be minimal, and whilst the proposed rear garden area would be modest in size it would still provide sufficient private amenity space for future occupiers, whilst also being comparable to the size of other rear gardens in the locality.
14. Furthermore, the existence of the raised ground levels and boundary treatments along the southern boundary of the site would not unduly harm the standard and useability of the proposed rear garden. Future occupiers would therefore benefit from a private and well screened rear amenity space.
15. I therefore conclude that the proposed development would not result in unacceptable living conditions for future occupiers, with particular regard to the provision of suitable outdoor amenity space. Therefore, in regard to this main issue, the development would accord with Policy DM1 of the CS which seeks, amongst other matters, to ensure that developments provide adequate external amenity space.

Other Matters

16. I recognise that the appeal proposal would have benefits with regards to its contribution to the Council's housing stock and its sustainable location close to local shops, services and public transport links. There would also be additional benefits to the local economy through the construction phase and the additional contributions of future occupiers to the local community. These matters, however, do not outweigh my findings in respect of the harm that would be caused to the character and appearance of the area, nor the conflict I have found with the development plan when read as a whole.

Conclusion

17. I have identified that the proposal would cause harm to the character and appearance of the area. Whilst the development would provide acceptable living conditions for future occupiers and be acceptable in terms of its effect on the living conditions of occupiers of neighbouring properties, and would not therefore result in any further harm being caused, this is of neutral effect and as such would be incapable of outweighing the harm that would be caused to the character and appearance of the area.

18. The proposal would conflict with the development plan and there are no material considerations which would outweigh this finding. For the reasons given above the appeal is therefore dismissed.

David Jones

INSPECTOR