
Appeal Decision

Site visit made on 19 May 2016

by Daniel Hartley MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 May 2016

Appeal Ref: APP/B4215/W/16/3145178

Regent House, Denison Road, Manchester M14 5RY

- 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 Mike Webb against the decision of Manchester City Council.
 - The application Ref 107816/FO/2015/S1, dated 21 December 2014, was refused by notice dated 26 August 2015.
 - The development proposed is to demolish an existing unused garage block and the erection of four houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether or not the proposal preserves or enhances the character or appearance of the Victoria Park Conservation Area; and (ii) the effect of the proposal upon the living conditions of the occupiers of adjoining residential properties in respect of disturbance from additional comings and goings.

Procedural Matter

3. The parties accept that the Local Planning Authority cannot demonstrate a five year supply of housing sites. I have taken into account paragraph 49 of the National Planning Policy Framework (the Framework), but I do not consider that the policies referred to in the Council's refusal notice are relevant policies for the supply of housing. I consider that the policies are instead ones which seek to control development from a design, heritage and amenity point of view. I consider that the policies referred to in the Council's refusal notice are consistent with the Framework.

Reasons

Site and Proposal

4. The application site relates to a block of flat roofed single storey garages (according to the appellant they are disused) located to the rear of Regent House (comprising 33 flats). Vehicular access to the site is from Upper Park Road: this access also serves the flats at Regent House. Immediately to the north of the site is a mosque, and the area is predominantly residential in character. The site falls within the Victoria Park Conservation Area (CA).

5. It is proposed to demolish the garages and to erect a terrace of four three storey dwellings each with front and rear gardens. The properties would be positioned further towards the eastern boundary of the site than the existing garages, would be built in brick and would have white uPVC windows and doors (garage doors would be metal). One car parking space would be provided within the frontage of each of the proposed dwellings. Vehicular access would continue to be from Upper Park Road although the car parking spaces along this drive would be remodelled to provide 18 car parking spaces (there are currently 13). It is proposed that six trees would be removed.

Conservation Area

6. The CA as a whole encompasses mainly residential development. There is a mix of old and new properties. The newer properties include larger institutional buildings such as schools, blocks of flats and university halls of residence. However, despite the mix of styles and ages of residential properties, there is a prevailing uniformity in the CA in terms of large buildings set within large plots and mature gardens, maintaining the sense of openness. Most of the buildings are positioned along roads (set behind small walls) with either large gardens or other amenity space behind. Mature trees are a defining characteristic of the CA, adding positively to the verdant character of the area: most are set within individual plots, but there are some within highway verges such as in Upper Park Road. Many of the traditional properties are large in scale and built mainly in brick, with projecting bays, string courses in a contrasting colour, tall chimneys and vertically proportioned windows. Roofs are typically pitched and finished in slate.
7. I consider that it would be reasonable to define the site as a form of backland. Policy DC6.1 of the Unitary Development Plan for the City of Manchester 1995 (UDP) states that *"the Council will not normally grant consent for residential development on "backland" sites, that is, sites with limited access to a road because they are surrounded by housing or other uses"*. I acknowledge that the proposed dwellings would replace existing development (and occupying a smaller footprint) and hence to some extent this does mitigate the effect of the proposed development upon the character and appearance of the CA. However, the flat roofed single storey garages appear subservient in scale to Regent House and hence they maintain the sense of openness and space to the rear of these flats. The proposed dwellings would be significantly higher (three storeys in height) than the existing garages and hence would unacceptably detract from this sense of openness and space in the immediate area.
8. In contrast to the prevailing pattern of development in the CA, I consider that the proposed dwellings would appear very cramped. They would be high, positioned in very close proximity to Regent House, and the two end dwellings would be tight up against the existing boundaries. Whilst gardens are proposed to the front and rear of the proposed dwellings, these would be relatively small when compared to the regularity of large areas of space behind buildings in the CA (they would immediately face onto the gable elevation of two storey residential development which is positioned close to the boundary of the site). I acknowledge that the garages are in a poor state of repair and that they do not appear to be in use. However, it would be possible to repair and improve the garages and, in any event, their loss would not outweigh my concerns relating to the scale and position of the proposed dwellings. In these respects, I find particular conflict with saved Policy DC6.2 of the UDP which

states that development will not be permitted unless "*in the case of development within a Conservation Area, in particular, the built form and the surrounding spaces maintain or enhance the character of the area*".

9. The above concerns are compounded by the fact that there are elements of the design of the dwellings which would not be acceptable. The rear elevation of the terrace of dwellings would appear particularly bland and the window proportions would fail to adequately reflect the verticality of the terraced buildings. I agree with the Council that white uPVC windows and doors would not be acceptable in this historic setting, but, had this been the only issue, it would have been possible to have addressed this matter by means of a planning condition. The appellant has referred to the use of uPVC windows on the mosque building adjacent to the site, but this not the norm in the CA. Whilst it would be possible to replace the six trees which are proposed to be felled, overall there would be very limited space for landscaping, and this adds to my overall concerns.
10. In conclusion, I find that the development would not preserve or enhance the character or appearance of the CA. In the context of Paragraphs 133 and 134 of the Framework, the harm to the significance of the CA would be less than substantial. However, I do not consider that there are any identified public benefits (this includes additional surveillance in the area and a small boost to the supply of houses) sufficient to outweigh that harm. The development would be contrary to the conservation and design aims of saved Policies DC6.1, DC6.2, DC18.1 of the UDP; Policies SP1, DM1 and EN3 of the Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (Core Strategy); and the Framework.

Living Conditions

11. Whilst I acknowledge that the garages could be used again, and hence there would be some vehicular/pedestrian activity in the area, I consider that there would likely be increased pedestrian and vehicular activity associated with the proposed dwellings. This would include parking to the front of the dwellings (slamming doors and revving engines), visitors arriving and leaving the site, general house maintenance, postal / on-line shopping deliveries and bin storage and collection. In addition, it is quite possible that some households may have more than one car.
12. The dwellings (including car parking spaces) would be positioned in very close proximity to the rear elevation windows of the flats at Regent House (albeit at an angle). I agree with the Council that the intervisibility distance would be such that the development would give rise to unacceptable overlooking. Given the scale of the proposed dwellings (and associated use), I am not persuaded by the appellant's argument that the removal of the garages would improve the existing aspect for the occupiers of Regent House.
13. On my site visit, I was able to witness that the land to the rear of Regent House (including the appeal site) was relatively peaceful and quiet. This was in contrast to the elevations/garden areas facing Upper Park Road and Denison Road from which there was more activity and noise (particularly in respect of vehicular movements). Whilst the garages could be re-used, I consider that the relative amount of comings and goings associated with the proposed development would be such that it would have an unacceptably disturbing impact upon the occupiers of the flats at Regent House.

14. For the above reasons, I conclude that the proposal would not accord with the amenity aims of saved Policy DC6.2 of the UDP and Policy DM1 of the Core Strategy.

Other Matters

15. The appellant has referred me to what he considers to be other back land sites in the area. I have not been provided with full details to explain why these developments were approved, and, in any event, I consider that the prevailing character of the CA is one which includes large buildings set within spacious plots (with mature landscaping) and which mainly front onto main roads. I have concluded that the proposal would not reflect these defining characteristics, and hence would be harmful. I do not consider that there are any precedents in the CA which would lead me to depart from this conclusion.
16. I have considered the proposal against Paragraph 7 of the Framework which states that there are three dimensions to sustainable development: economic, social and environmental. I acknowledge that the site is accessible (with high frequency bus services) and that it is close to a number of shops, schools, universities and employment facilities. However, I have found that the proposal would not meet the environmental role of sustainable development, as significant harm would be caused to the CA, and to the living conditions of the occupiers of the flats at Regent House. Whilst the proposal would provide some employment at construction stage, this would be relatively short lived. The proposal would help to boost the supply of homes in the area (the parties agree that the Local Planning Authority cannot demonstrate a five year supply of housing sites), but the contribution from four dwellings would not be significant. The effect of the proposal upon on the CA and the living conditions of the occupiers of Regent House are overriding concerns, and hence I do not consider that the proposal would deliver sustainable development.
17. The appellant has referred to two High Court cases which include a consideration of paragraphs 49 and 14 of the Framework. I have taken paragraph 49 into account as part of my procedural paragraph. For the reasons outlined above, I consider that the policies referred to by the Council are consistent with the Framework and that on balance the proposal would not deliver sustainable development.
18. None of the other matters raised (including comments from the occupier of 36 Denison Road) lead me to different conclusions on the main issues.

Conclusion

19. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR