

Appeal Decision

Site visit made on 23 September 2016

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 03 October 2016

Appeal Ref: APP/B4215/D/16/3156406

160 Heywood Street, Manchester, Lancs, M8 0PD

- 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 Syed Majid Shirazi against the decision of Manchester City Council.
 - The application Ref 111370/FH/2016/N1 dated 16 February 2016 was refused by notice dated 19 April 2016.
 - The development is described as a 'retrospective application for alterations to existing garage with mezzanine floor and one metre high folding gates'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The garage had already been erected at the time of my visit, although the 1 metre high folding gates were not in place. The 2m high gates to the front of the garage do not form part of the appeal application. For clarity, I am dealing with the appeal based upon the submitted plans.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of neighbouring occupiers with regard to outlook and daylight.

Reasons

Character and Appearance

4. The appeal site is a detached garage, which is located to the rear of No. 160 Heywood Street but is accessed from Brideoak Street. The surrounding properties comprise mainly of two storey semi-detached dwellings, which are constructed on a regular building line. This alongside built features, which include two storey bay windows, gives the area a regular and uniform character.
 5. The garage is situated in a prominent position, forward of the nearby properties that face on to Brideoak Street. I note that the site has previously obtained planning permission for a garage that replaced a demolished garage and the
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appeal development is positioned on the same footprint as it, albeit back from the edge of the pavement. It would however be taller than the previously approved structure and despite the small increase in the ridge height, given the overall height of the garage in combination with the large footprint, and its forward siting from the building line of properties facing Brideoak Street, it appears as an unduly large, intrusive structure in the streetscene.

6. Whilst I accept that there are some buildings of differing sizes and designs in the streetscene, the character of the immediate area is defined by similar two storey semi-detached dwellings. I do not therefore agree with the appellant that the scale of the garage is appropriate in its context or insignificantly different to the approved garage. Whilst the site is not located on a radial or orbital route, the garage appears as an uncharacteristic and incongruous structure, which is out of scale to other ancillary garage structures that exist in the area.
7. I therefore conclude the development has an unacceptable impact on the character and appearance of the area and it would be contrary to Policy DC1 of the Council's Unitary Development Plan (UDP) and Policies DM1, EN1 and SP1 of the Council's Core Strategy (Core Strategy), which require, amongst other matters, development to have regard to the character of the area and be of an appropriate scale and massing. It would also be contrary to the National Planning Policy Framework (Framework), which states that permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area. It is also therefore not the form of sustainable development which the Framework intends there to be a presumption in favour of.

Living Conditions

8. I was able to see at the time of my visit, the relationship between the garage subject of this appeal and the neighbouring property at No. 28 Brideoak Street. The garage structure has a long brick built side elevation along the common boundary with this neighbouring property. However, the main bulk of the garage is located to the side of No. 28 and only has a limited projection beyond this neighbour's front elevation. I do not therefore consider that the proposal would have an unduly overbearing impact on the occupants of No. 28. Whilst I note this neighbour's concerns in relation to the reduction in daylight, given the position of this neighbour's side windows at ground floor level and the separation given by the presence of a gap between the house No. 28 and the appeal garage, I do not consider it would result in unacceptable harm in this regard.
9. I therefore find that the appeal development is not unduly harmful to the living conditions of neighbouring occupiers. Of the policies quoted within the refusal notice, I consider Policy DC1 of the UDP and Policy DM1 of the Core Strategy to be of most relevance here. There would be no conflict with these policies, which seek, amongst other matters, for development to have regard to the effect on the amenity of neighbouring occupiers. There would also be no conflict with the Framework, which states at Paragraph 17 that, amongst other things, planning should seek a good standard of amenity for all existing occupants of land and buildings.

Conclusion

10. I have found in the appellants favour in relation to the issue of living conditions. However, I conclude that the appeal proposal would be unacceptable in relation to the impact on the character and appearance of the area.
11. For the reasons given above and having considered all other matters raised, the appeal should be dismissed.

F Rafiq

INSPECTOR