
Appeal Decision

Site visit made on 20 September 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 10th October 2016

Appeal Ref: APP/B4215/W/16/3151703

1a The Circuit, Didsbury, Manchester, M20 3RA

- 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 Mrs Amanda Benson against the decision of Manchester City Council.
 - The application Ref 111230/FO/2016/S2, dated 8 February 2016, was refused by notice dated 5 April 2016.
 - The development proposed is a single detached house.
-

Decision

1. The appeal is allowed and planning permission is granted for a single detached house at 1a The Circuit, Didsbury, Manchester, M20 3RA in accordance with the terms of the application, Ref 111230/FO/2016/S2, dated 8 February 2016, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Main Issues

2. The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, the living conditions of No 1a The Circuit with regard to an overbearing impact and a loss of amenity space.

Reasons

Character and appearance

3. The Circuit is a residential cul-de-sac consisting of detached dwellings. Approximately half way along its length the road turns north, after which the character of the street is relatively uniform with a consistency of design and boundary treatments. However, between this turn in the road and the junction with Wilmslow Road, the character is more varied. In particular, the existing bungalow at No 1a is of a different design and scale to the other properties on the street. The boundary walls along the southern side of this part of the street are also varied and of a separate design and construction to those along the rest of street.
 4. In this context, the proposed dwelling would not appear out of character with its surroundings. Its height would match that of No 1a and the electricity substation on either side and it would conform to the building line established by these buildings. It would also have the same depth as No 1a. It would sit comfortably between the buildings on either side and would not appear unduly
-

cramped. Whilst it would occupy a significant proportion of the garden to No 1a, large side gardens are not characteristic of the street, and the loss of this feature would therefore not be unduly harmful.

5. The proposed dwelling would introduce a gap into the existing high boundary wall that currently encloses the side garden to No 1a and the electricity substation. However, this high brick wall is not consistent with the boundary treatments along the rest of the street, which are lower and of a different design. The front boundary wall to No 1a is similarly of a separate design from the other boundary walls along the street. The introduction of a gap into the wall would therefore not be unduly harmful. In addition, other properties in the street have frontages that are dominated by hard landscaping, and the proposed dwelling would not be out of character in this context.
6. I conclude that the development would not unacceptably harm the character and appearance of the area. It would therefore accord with Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and advice given in the Guide to Development in Manchester Supplementary Planning Document (SPD).

Living conditions

7. The proposed dwelling would be in close proximity to the side elevation of the existing bungalow at No 1a. It would also occupy the majority of the side and rear garden space that currently serves that dwelling.
8. The development proposes the removal of the existing side bay window in the eastern elevation of No 1a. Following this alteration, the proposed dwelling would not adversely affect any habitable room window in the side elevation of No 1a. The proposed dwelling would also be the same depth as the existing bungalow, and due to its orientation, there would be no unacceptable overshadowing of either the front or rear of the existing property.
9. Turning to the loss of garden space, No 1a is currently served by a large side and rear garden. The development would occupy the majority of this garden area, leaving No 1a with just the area to the rear of the property. However, this would still be a substantial garden area that would be broadly comparable to other nearby properties. Whilst it would represent a reduction in the existing garden size, it would not leave No 1a with an unacceptably small garden space.
10. For these reasons, I conclude that the development would not unacceptably harm the living conditions of No 1a. The Circuit with regard to an overbearing impact and a loss of amenity space. It would therefore accord with Policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and advice given in the Guide to Development in Manchester Supplementary Planning Document (SPD).

Other Matters

11. Any views from the rear windows of the proposed dwelling over the garden to No 20 Mayville Drive would be oblique, and would be partially obscured by existing planting. In addition, given the distance between the proposed dwelling and the rear garden to No 20, there would be no unacceptable overshadowing or loss of light. Accordingly, there would be no unacceptable impact on the living conditions of No 20 arising from the development.

12. The appeal site currently comprises a residential garden and therefore falls outside the definition of previously developed land. However, there is no evidence before me to suggest that the appeal proposal would prejudice the Council's ability to meet its target for the provision of new housing on previously developed land.
13. The development proposes two off-street parking spaces, which would be adequate for a dwelling of this size. There is no evidence before me that the development would lead to any unacceptable on-street parking issues. In addition, I note that the Council did not object to the proposal on these grounds.

Conditions

14. The Council suggested a number of conditions, some of which I have edited for clarity and enforceability. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary for clarity and to ensure a satisfactory development.
15. The submitted drawings do not specify the details of the facing materials, boundary treatments, or refuse storage facilities. I have therefore imposed conditions that require samples of the external facing materials, and details of the boundary treatments and refuse storage facilities, to be submitted and approved. These conditions are necessary to protect the character and appearance of the area. I have imposed a further condition requiring the side bay window to the existing bungalow to be removed prior to the construction of the new dwelling above slab level. This is to ensure that the privacy of the existing bungalow is retained at all times.
16. The Council suggested two further conditions that would have removed a number of permitted development rights from the new property. However, there is no evidence before me that exceptional circumstances exist that would justify the removal of permitted development rights in this case. Accordingly, I do not consider that either of these conditions is necessary in order to make the development acceptable in planning terms.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

Thomas Hatfield

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (PL)003; (PL)002 Rev A; (PL)001 Rev A.
- 3) No development shall take place above slab level until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place above slab level until a plan indicating the positions, design, materials and types of boundary treatment to be erected, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be retained thereafter.
- 5) No development shall take place above slab level until the removal of the side bay window to the existing residential bungalow at 1a The Circuit, as indicated on plan numbered (PL)001 Rev A, has been completed. No additional windows shall be inserted in that elevation.
- 6) Prior to the first occupation of the development, a scheme for the storage (including segregated waste recycling) and disposal of refuse shall be submitted to and approved in writing by the local planning authority. The details of the approved scheme shall be implemented as part of the development and shall be retained thereafter.