
Appeal Decision

Site visit made on 25 October 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/B4215/W/16/3155554

60A Wood Road, Whalley Range, Manchester M16 8BL

- 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 Mohommed Chunara against the decision of Manchester City Council.
 - The application Ref 111506/FO/2016/S1, dated 8 March 2016, was refused by notice dated 3 June 2016.
 - The development proposed is a two storey extension to existing flats to create additional six one bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Whalley Range Conservation Area (WRCA); (ii) the effect of the proposed development on the living conditions of nearby residential occupants, with regards to outlook, privacy and noise and disturbance; and (iii) whether the development would provide future occupants with a safe and secure environment.

Reasons

Character and Appearance of the WRCA

3. The appeal site is located within the WRCA. Much of the land forming the WRCA was purchased and developed in the mid-1800s, creating one of the first suburbs outside Manchester for wealthier citizens to escape from the growing industrial city. The layout of the original development survives today and is one of the principal characteristics of the WRCA. It is typified by a mix of large pre and post-war properties set in spacious, verdant plots on tree lined avenues. A number of properties, including the appeal site, have been converted into flats.
 4. The site features a large post-war, three-storey, red brick building, comprised of flats, which is set back from Wood Road on a large plot. The plot features some mature trees protected by a Tree Preservation Order. The site is readily apparent from both Wood Road and College Road. It is typical of the character of the WRCA and makes a positive contribution to it.
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5. Policy DC6.1 of The Manchester Plan: The Unitary Development Plan for the City of Manchester (UDP) sets out that backland sites are those "*with limited access to a road because they are surrounded by housing or other uses*". However, the site is already served by vehicular and pedestrian access points on Wood Road and College Road. Thus, I do not consider the site to have a limited access to a road. The site lies in a residential area but I do not consider it to be 'surrounded', despite the building not fully addressing either Wood Road or College Road. In this context, I do not consider that the proposal, as an extension to an existing building already accessed from Wood Road, can be considered as 'backland' development under the terms of UDP policy DC6.1.
6. Even so, the proposed development would result in a very significant extension to the current building, elongating the built form and bringing it much closer to the boundaries of neighbouring plots and infilling a substantial part of the characteristically open and undeveloped area of the site. This would be at odds with the characteristically spacious placement of buildings in this part of the WRCA.
7. Some of the extant undeveloped plot would remain as a garden and the proposal's height would be subordinate to the host building, match the existing use of materials in the area and incorporate a variety of gable roof forms. However, as a consequence of the extension's sheer size, the resulting building, which would be clearly visible through the trees around the site, would appear much more substantial, incongruously so, than even the larger houses within the WRCA that are near to the site.
8. Although, the Council did not expressly set out a reason for refusal citing the proposal's effect on protected trees, objections were raised by the Council's Arboricultural Officer that translated into the Council's Officer Report and Appeal Statement. These documents do express a view that the proposal would have a significant impact on tree T11, probably resulting in its loss and, thus, the positive contribution it makes to the leafy appearance of WRCA.
9. I note the conclusion of the appellant's Arboricultural Impact Assessment (AII), with regard to an apparent lack of impact upon protected trees, but this assessment relates to a smaller and different scheme, a point the appellant recognises. I see no reason to assume that the same conclusions would be relevant to the scheme before me, which would take development much closer to tree T11, which the AII considered to be of moderate quality (category B). Given the Arboricultural Officer's response, I consider there to be a genuine risk that the proposal would extend significantly into the root protection area of T11, which could consequently lead to the loss of T11. Accordingly, this would detrimentally alter the positive contribution T11 makes to the character and setting of the site and the CA.
10. Even though modern forms of development can assimilate successfully with older properties, I do not consider that the proposed development would reflect the historic pattern of development in the area. It would, for the reasons noted above, represent an incongruous feature that would fail to preserve or enhance the character or appearance of the WRCA.
11. With regard to paragraph 134 of the Framework the harm to the WRCA would be less than substantial. Even so, this still amounts to a harmful impact which adversely affects the significance of the WRCA as a heritage asset. Public benefit would arise from six extra flats, boosting the supply of housing in a fast

growing, highly sustainable location that is within walking distance of many facilities and services. Also, enhancements to the site's parking provision and security could assist existing, future and neighbouring occupants in terms of the development's assimilation into the community. Other social and economic benefits would arise from the proposal's construction and the occupation of the flats in an established community. However, there is no suggestion that the Council is unable to demonstrate a five-year supply of deliverable housing sites, which, in my judgment, necessarily reduces the weight to be attributed to the provision of a limited amount of new housing, which would be harmful to a heritage asset. In my judgment, the harm to the WRCA and the site, to which I attach considerable importance and weight, would, clearly outweigh the modest public benefits proposed.

12. For the reasons set out above, I conclude that the proposed development would not preserve or enhance the character or appearance of the WRCA. The proposal would, therefore, be contrary to Policies SP1, DM1 and EN3 of the Core Strategy and saved UDP Policy DC18.1. These policies, amongst other matters, seek to ensure that new development creates well designed places that enhance or create character, and preserve or enhance the historic environment.

Living Conditions

13. There are residential buildings neighbouring the appeal site and a number of properties share a common boundary with it. Thus, there are views from the existing building and its grounds towards adjacent properties. The relationship does vary due to mature trees and shrubs but the proposed extension would inevitably be much closer to the site's boundaries, towards neighbouring properties, in particular to the north and west. Ancillary provisions such as car parking would also be closer to No 60.
14. The proposed extension would be of a lower height than the existing building and many nearby properties. The outlook from the new flats would be to the south east and north west where the interface distances are at their greatest to the windows of neighbouring properties. Some overlooking would nevertheless occur between the windows of the flats and neighbouring dwellings. However, views would be long ranging and mature trees and shrubs do screen the rear elevations of properties to the north in particular.
15. Due to the siting of the rear gardens of properties to the north and No 60 in relation to the appeal site, there is already a degree of overlooking from the existing flats. However the proposed extension would be much closer to the rear gardens of properties to the north especially and the proposed rear elevation would contain multiple windows at ground and first floor that serve each of the six extra flats. Although, mature trees and shrubs partially screen the gardens, occupants of dwellings to the north would still experience an undue loss of privacy, especially from the first floor windows that would enable occupants to view directly into their gardens over the boundary wall.
16. Six extra flats would intensify the current use of the site. Even so, a number of properties in Wood Road have been converted into flats with no obvious or evidenced detriment to the area. Whilst some occupants may not stay for long periods of time, equally future occupants could become long standing members of the community. Although I note the aims of Core Strategy Policy H6, this would not be a standalone high density development and I consider the

proposal could contribute towards creating an inclusive, mixed community in the area.

17. The Council suggests that the extra flats would place additional pressure on local infrastructure and, thus, affect the living conditions of existing residents. There is not, however, any evidence before me to indicate what local infrastructure would suffer, and how, as a result of the appeal proposal. Thus, I can give very little weight to this matter.
18. The proposal would lead to more comings and goings on foot and by motor vehicle. Despite the potential for noise and disturbance, in particular to occupants adjacent to the access onto Wood Road, vehicles using the Wood Road access would be travelling at low speeds due to the width and layout of the access. Furthermore fences line either side of the access adjacent to No 60 and 60b Wood Road. These help confine any noise associated with motor vehicles and pedestrians, who also use the pedestrian access point onto College Road. The pedestrian access is positioned away from adjoining occupants' and whilst properties face the access, College Road is used by motor vehicles and by pedestrians. Whilst, the proposed development would increase the number of occupants on the site, I do not consider that this would lead to residents experiencing undue harm.
19. For these reasons, on this issue, I conclude that the proposed development would significant affect the living conditions of nearby residential occupants, with regards to privacy. The proposal would therefore be contrary to Policies DM1, SP1, H1 and H11 of the Core Strategy, saved UDP Policies DC1.1 to DC1.6 and paragraph 17 of the Framework. These policies, amongst other things, seek to ensure proposals provide a good standard of privacy for all existing and future occupants of land and buildings to ensure their wellbeing.

Safe and Secure Environment

20. The appeal site is set back from Wood Road, although it is reasonably close to College Road. Access to the site from Wood Road is along an enclosed lit shared access, although views into the site from Wood Road are very limited due to the angle of the access and the fences that extend along either side. The gated pedestrian access from College Road is reasonably well lit inside and outside the site, despite the presence of mature trees along the highway and the site's boundary. Partial views into the site can therefore be obtained.
21. Regardless of whether or not this is a 'backland' site for policy purposes, natural surveillance of the site from Wood Road is significantly hampered, as confirmed in the Crime Impact Statement (CIS). However this is not the sole point of access or viewpoint of the site, with residential properties on Wood Road and Green Walk overlooking the site to varying degrees. The fence along College Road could also be removed, which would improve visibility into the site. Moreover, existing and future occupants would come and go, providing natural surveillance of the site and wider area. I consider the recommendations of the CIS are all measures that could be incorporated into the development and controlled by a planning condition to assist in safeguarding the site from criminal activity.
22. For these reasons, on this issue, I conclude that the development would comply with Policies DM1 and SP1 of the Core Strategy. These policies seek, through design, to prevent crime and promote community safety.

Other Matters

23. My attention has been drawn to two appeal decisions where planning permission was granted for proposals for flats in conservation areas. Of these, however, one is in a completely different conservation area and the other, although being in the WRCA, is on Wellington Road some distance from the appeal site. In addition, in the latter case, there was no dispute over the impact of the scheme on the WRCA and the decision was taken in the context of the inability to demonstrate a five supply of deliverable housing sites, which is not the case here. As such, I do not consider that these cases establish any kind of precedent for the appeal before me.
24. My attention was also drawn to the views of the case officer in relation to the change of use of the appeal building to flats. However, here consideration was being given solely to this matter rather than to the provision of extra flats though a significant extension to the building. It should not, therefore, be taken as a view that additional development on the site would be *de facto* appropriate.

Conclusion

25. I have found no harm from the appeal scheme in relation to safety and security. This is not outweighed, however, by the harm that I have found in relation to the scheme's impact upon living conditions and the WRCA.
26. Thus, for the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR