

Appeal Decision

Site visit made on 29 November 2016

by Alexander Walker MPlan MRTPI

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

Decision date: 8 December 2016

Appeal Ref: APP/B4215/W/16/3157624

131 Kingsway, Manchester M19 2LN

- 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 Antony Cox against the decision of Manchester City Council.
 - The application Ref 112287/FO/2016/N2, dated 24 May 2016, was refused by notice dated 29 July 2016.
 - The development proposed is the conversion of garage to one-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal property is located in a predominantly residential area that comprises a mix of two-storey and single-storey detached and semi-detached properties that vary in their size and design. Properties are generally set back from the highway with modest gardens to the front and rear, which makes a positive contribution to the overall openness of the area.
 4. The appeal property comprises a detached garage set in what appears to have once been part of the rear garden of No 131 Kingsway. However, access to the garage is off Burnage Hall Road and as a result it is read in the context of the streetscene of Burnage Hall Road rather than Kingsway. The north side of Burnage Hall Road consists of two-storey dwellings that follow a similar architectural theme. The south side has a greater variety of house designs, including bungalows.
 5. The existing building is single-storey with space in the loft and a basement. The proposal would not involve any change to the form of the building, with the exception of the insertion/alterations to openings. The proposed private amenity area would be to the east of the dwelling with a 1.5m high fence running off the south elevation of the building. A single parking space would be to the south of the dwelling.
 6. The building is positioned to the rear of the site, adjacent to the northern boundary. As a result, there would not be any rear garden. Although there would be a garden to the side of the dwelling, this would be significantly
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smaller than the gardens of other properties in the area. I note that No 131 Kingsway also has a small garden area. However, this has been the result of the construction of the appeal building and the subsequent subdivision of the garden, which is not an overriding characteristic of the area.

7. Although there are a variety of house designs and sizes in the vicinity of the site, the proposed dwelling would be significantly smaller. Whilst the proposed private amenity space may well be proportional to the size of the dwelling, both the building and the amenity space would be significantly out of scale with the other properties in the area and therefore would appear incongruous. Due to the limited size of the site, the small private amenity space, the lack of rear garden and the positioning of the dwelling to the rear of the site, it would represent a form of cramped development that would fail to respect the well established pattern of development in the area.
8. I have had regard to the appellant's contention that as the building already exists there would be very little difference to the existing condition. However, the existing building is clearly read as a garage. The roller shutter door and surrounding paved area are not typically domestic in appearance and therefore it is not expected to follow the residential character of the area. The proposal would result in the domestication of the building and its surroundings and therefore its character and appearance would change substantially to become residential.
9. I find therefore that the proposal would significantly harm the character and appearance of the area. As such, it would fail to comply with Policies SP1, EN1 and DM1 of the Manchester City Council Core Strategy Development Plan Document 2012, which amongst other matters, seek to ensure that new development protects and enhances the built environment and has regard to the character of the surrounding area.

Other Matters

10. The appellant states that the proposal would provide an affordable dwelling for which there is an acute need. However, there is no evidence before me to indicate that it would be an affordable dwelling as defined in the National Planning Policy Framework. As such, I cannot attribute this matter any weight.
11. I acknowledge that the site has experienced anti-social behaviour in the past. Whilst I accept that the occupation of the building would likely prevent further anti-social behaviour, I do not find that it would outweigh the harm I have identified above.
12. The appellant has referred me to comments recently made by the Planning Minister. However, these were made in reference to density. The harm the proposal would have is to the character and appearance of the area as a result of its positioning and size, not its density.

Conclusion

13. I note the appellant's submission that the Council do not have a five year housing land supply, which has not been disputed. Whilst the dwelling would only make a limited contribution to the housing supply, it nevertheless weighs in favour of the proposal.

14. Whilst it would make a modest contribution to the housing supply, the harm I have identified above would significantly and demonstrably outweigh any benefits arising from the proposal, when assessed against the policies of the Framework taken as a whole.
15. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR