The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2016

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 6 January 2017

Appeal Ref: APP/B4215/W/16/3156276
2 Cross Acres Road, Manchester M22 5AA

- 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 Dean Royle against the decision of Manchester City Council.
- The application Ref 111667/FO/2016/S2, dated 22 March 2016, was refused by notice dated 9 June 2016.
- The development proposed is a two storey, new build house for private residential.

Decision

1. The appeal is allowed and planning permission is granted for a two storey, new build house for private residential at 2 Cross Acres Road, Manchester M22 5AA in accordance with the terms of the application, Ref 111667/FO/2016/S2, dated 22 March 2016, subject to the conditions set out in the Schedule to this decision.

Main Issues

2. I consider that the main issues in this appeal are:

   - The effect of the proposal on the character and appearance of the area;
   - The effect of the proposal on the living conditions of neighbouring residents with particular regard to outlook, privacy and noise and disturbance from vehicle movements; and
   - Whether the proposal would provide future residents with a safe and secure environment.

Reasons

Character and Appearance

3. I saw on my site visit that Artillery Place is an interesting and well-articulated group of dwellings which is representative of the military history of the area. However, the wider area is characterised by a mixture of dwelling types, designs and layouts which gives the area a pleasant suburban character. Although the dwelling would be constructed to the rear of Artillery Place, it would also be seen within the context of the wider mix of dwellings on Mendip Avenue and Cross Acres Road which have a more typical suburban appearance. There is no clearly defined pattern to the layout of housing in the area and the proposal would not therefore appear as an unsympathetic addition within this context. The design of the dwelling also reflects this suburban setting and

would not be of a scale or massing that would appear as incongruous in comparison to nearby dwellings.

4. Policy DC6.1 of The Manchester Plan: The Unitary Development Plan for the City of Manchester (UDP) states that the Council will not normally grant consent for residential development on 'backland' sites, which the UDP identifies as "sites with limited access to a road because they are surrounded by housing or other uses". I acknowledge that the site is surrounded by housing. However, the appellant proposes to provide access to the highway between 2 Cross Acres Road and 12 Artillery Place.

5. Whilst this access would be via a relatively long driveway, views along the driveway to and from the highway would be clear and unimpeded and there is good visibility at the junction. I note that the Council has expressed concern about the width of the driveway and that a footway cannot be provided on both sides. However, due to the visibility along the driveway and the limited number of traffic movements associated with a single dwelling, I do not consider that a footway on either side would be required. I also note that the Council's Highways team have raised no objections to the proposal. I therefore conclude that that the site would have suitable access to the road and therefore does not fall within the definition of backland development within the terms of Policy DC6.1.

6. I find therefore, that the proposal would not harm the character and appearance of the area. It would therefore comply with Policies SP1, EN1 and DM1 of the Manchester Core Strategy Development Plan Document 2012 (CS), as well as Policy DC6 of the UDP which, amongst other things, seek to ensure that new development respects the character and appearance of the local area. These policies are broadly consistent with the National Planning Policy Framework (the Framework) in protecting and enhancing the built environment.

7. I note the advice of the Guide to Development in Manchester Supplementary Planning Document 2007 (SPD) which states that buildings should front onto the highway. However, the proposal would not detract from the built form that existing dwellings on Cross Acres Road and Artillery Place present to the street, and it would enable suitable access to the highway. I therefore consider that the proposal meets the aims of the SPD in preserving a sense of place, as well as ensuring that buildings relate well to each other.

Living Conditions

8. The proposal would be located to the rear of a number of properties. In particular, the rear elevation 12 Artillery Place would face onto the side gable wall of the proposed dwelling. The Council state that the rear garden of No 12 is an average of 13m long, and that the dwelling would be set on average a further 2.5m from the rear boundary. Mindful of the specified separation distances and based on observations on my site visit, I consider that the proposal would not have an overbearing impact on the outlook from the rear of No 12. Although the gable wall of the dwelling would be readily visible from No 12, the set back from the boundary, the setting of the dwelling at a slight angle and the separation distance provided by the existing garden would suitably ameliorate the impact on the outlook from that property.

9. The dwelling would also be located in close proximity to the garden of 35 Mendip Avenue. However, due to the size of the garden of No 35 and the setback of the proposal from the boundary I consider that the proposal would not have an overbearing effect on the outlook from that property.

10. In relation to privacy, the dwelling would be arranged so that a suitable separation distance would be provided between the windows of the proposal and neighbouring dwellings to ensure a suitable level of privacy for existing and future residents. Although the dwelling would overlook the rear gardens of nearby properties, these gardens are already overlooked by neighbouring properties and the proposal would not unduly exacerbate this.

11. In relation to noise and disturbance, the level of activity and the comings and goings associated with a single dwellinghouse would not be out of character with this residential area. The level of noise and disturbance from car doors, headlights etc. from residents accessing the dwelling would be very limited, notwithstanding the location to the rear of existing residential properties. Although the driveway would pass in close proximity to the side of 12 Artillery Place, I saw on my site visit that the main dwelling is separated from the driveway by a ground floor offshoot and a high close boarded fence which would reduce the potential impact to the main habitable area of the house. In any case I consider that the very modest scale of vehicle movements associated with a single dwellinghouse would not lead to an undue level of noise or disturbance to the residents of No 12.

12. Taking the above matters into consideration, I conclude that the proposal will not have an adverse impact on the living conditions of nearby residents. The proposal therefore complies with Policies DM1 and SP1 of the CS in relation to the effect on amenity and the wellbeing of residents. It also complies with the provisions of Policy DC6 of the UDP, and in particular in relation to matters of privacy, outlook, noise and disturbance. These policies are broadly consistent with the Framework in securing a good standard of amenity for all existing and future occupants of land and buildings. The proposal would also comply with the guidance of the SPD on the relationships between buildings.

Safe and Secure Environment

13. Whilst the appeal site is in a secluded area, it is overlooked by the rear of surrounding residential properties which provide adequate natural surveillance. Furthermore, I consider that the proposal will improve the security of the area by replacing a secluded open plot with a dwelling and the associated increase in surveillance which would result.

14. Although the entrance from Cross Acres Road would be some distance from the dwelling, the highway is well lit and has suitable natural surveillance provided by adjacent dwellings and users of the highway. Although relatively long, the driveway would not be of such a length as to represent a significant security risk to a degree to warrant the refusal of planning permission.

15. Taking the above matters into consideration, I conclude that the proposal will not be detrimental to the security needs of future occupiers or the sustainability of the community. The proposal therefore complies with Policies SP1 and DM1 of the CS in relation to the safety of residents and crime prevention. The proposal will also comply with the advice of the SPD in relation to helping people feel safe.

Conditions

16. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance and retained Annex A (model conditions) of former Circular 11/95: Use of Conditions in Planning Permission. As a result, I have amended some of them for clarity.

17. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. Conditions in relation to the submission of details of materials and boundary treatment prior to the commencement of development are required in the interests of character and appearance. A Construction Method Statement is required prior to the commencement of development to protect the living conditions of nearby residents during the site construction period. A condition in relation to obscured glazing for bathrooms and toilets is also required in the interests of privacy. I have attached a condition requiring a land contamination assessment and mitigation if deemed necessary in order to afford protection to human health and the environment.

18. It is appropriate to remove permitted development rights in exceptional circumstances and in this case, due to the constraints of the site and proximity to surrounding properties, further garages, extensions or outbuildings could compromise the privacy and living conditions of occupiers. However, I am not persuaded that a condition removing permitted development rights in relation to the use of the property is reasonable, as no substantive evidence as to the exceptional circumstances that would require this has been provided to me. I do not consider that a condition requiring waste storage is required due to the limited scale of the development. I also not persuaded that a condition requiring 'Secured by Design' accreditation is required in this case.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

David Cross

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: 371-200-P; 371-201-P; 371-202-P; 371-203-P; 371-204-P; 371-210-P; 371-211-P; 371-212-P and 371-213-P-A.

3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

4) No development shall take place until details of the boundary walls/fences have been submitted to and approved in writing by the local

planning authority. The development shall be carried out in accordance with the approved details.

5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

   i) wheel washing facilities;

   ii) the display of an emergency telephone contact number of the site manager.

   iii) details of any vibro compaction works.

   iv) a strategy for the management of construction traffic;

   The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

6) The building hereby permitted shall not be occupied until the bathroom and toilet windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages, extensions or outbuildings shall be erected other than those expressly authorised by this permission.

8) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 21 days of the report being completed and approved in writing by the local planning authority.