

Appeal Decision

Site visit made on 28 February 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 3rd April 2017

Appeal Ref: APP/B4215/W/16/3164761

111 Crescent Road, Crumpsall, Manchester, M8 9WT

- 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 Woods against the decision of Manchester City Council.
 - The application Ref 112280/FO/2016/N1, dated 24 May 2016, was refused by notice dated 17 August 2016.
 - The development proposed is a supported housing bungalow.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address given above is taken from the appeal form and the decision notice. The address provided on the planning application form has not been used as it does not include a property number.

Main Issue

3. The main issue is the effect of the development on the living conditions of neighbouring occupiers with regard to loss of privacy and outlook, and noise and disturbance.

Reasons

4. The development would introduce a single storey building in close proximity to the boundaries with Nos 3 and 5 Gerald Avenue. The building would be accessed via a new path that would run close the rear gardens of Nos 107 and 109 Crescent Road.
 5. The proposed building would extend along most of the length of the rear garden to No 5 Gerald Avenue. Whilst it would be a single storey structure, it would incorporate a large pitched roof with gables facing the side and rear of No 5. It would create a tall, imposing presence in close proximity to the boundary that would dominate the rear garden to No 5. This would create a sense of enclosure that would be overbearing to users of the rear garden.
 6. A number of the proposed bedroom windows would look out towards the boundary with No 5. Whilst a new boundary fence would be introduced, taller residents and members of staff would still be able to see over this into the garden of No 5 from these windows. This would result in a significant loss of
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- privacy and an increased perception of overlooking that would be oppressive and harmful to the enjoyment of the garden area.
7. In terms of the potential for noise disturbance to No 5, two of the western facing bedrooms would have opening patio doors in proximity to the boundary. If these were left open during the summer months they could create a disturbance to users of the rear garden. However, this matter is capable of being dealt with by a condition requiring that the patio doors be replaced by windows, as has been suggested by the appellant. The development would also be in close proximity to the side elevations of both Nos 3 and 5 Gerald Avenue. However, there are no principle habitable room windows in these elevations and accordingly there would be no unacceptable loss of outlook to the occupiers of these properties.
 8. The proposal would be accessed via a path running to the side of the garden to No 111 (which is owned by the appellant). This path would be set back from the boundary with No 109 Crescent Road and would be partially screened from Nos 107 and 109 by an existing garage. It would also be some distance from the rear elevations of those properties. Whilst there would be activity along this path, and in the proposed communal garden areas, their usage would not be so intensive as to create an unacceptable level of disturbance in my view. In this regard, the use of the communal garden areas would not be dissimilar to the use of residential gardens, which surround the site on 3 sides.
 9. For the above reasons, I conclude that the development would unacceptably harm the living conditions of the occupiers of No 5 Gerald Avenue with regard to loss of outlook and privacy. It would therefore be contrary to Policies DM1, EN1 and SP1 of the Manchester Core Strategy (2012), and saved Policy DC6 of the Unitary Development Plan for the City of Manchester (1995). These policies seek to ensure, amongst other things, that development is designed to protect the privacy and amenity of adjoining occupiers.
 10. In coming to that view, I have had regard to the fact that saved Policy DC6 was adopted in 1995, prior to the publication of the National planning Policy Framework ('the Framework'). In these circumstances, paragraph 215 of the Framework states that due weight should be given to relevant policies according to their degree of consistency with the Framework. Policy DC6 should not be regarded as being out of date simply because of its age.
 11. The first part of the policy (part DC6.1) states that the Council will not normally grant consent for residential development on backland sites. Insofar as this policy seeks to apply a blanket restriction on the development of backland sites, without a balanced consideration of any harm that would arise, it is inconsistent with the Framework as it is more restrictive than it. I therefore attach only limited weight to part DC6.1 of the policy. However, the second part of the policy (part DC6.2) sets out a number of criteria against which to assess the suitability of backland sites for development. These include consideration of the living conditions of adjoining occupiers, and other matters which remain valid planning considerations. This part of the policy is consistent with the Framework, and accordingly I attach significant weight to it.

Other Matter

12. Whilst the effect of the development on the character and appearance of the area is not given as a reason for refusal, the Council's appeal statement asserts

that it would be contrary to the existing grain and pattern of development. However, the proposal would mostly be screened from view from public vantage points, and the single storey height would limit any harm to the character and appearance of the area in my view. The irregular size and shape of the site would also lend itself to a non-standard layout. This matter would not have justified the dismissal of the appeal.

Conclusion

13. For the reasons set out above, I conclude that the development would unacceptably harm the living conditions of the occupiers of No 5 Gerald Avenue with regard to loss of outlook and privacy. Whilst there would be a positive benefit in terms of the provision of new specialist accommodation in a relatively accessible location, and the creation of new jobs, this does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR