

Appeal Decision

Site visit made on 27 March 2017

by Matthew Birkinshaw BA(Hons) Msc MRTPI

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

Decision date: 10th April 2017

Appeal Ref: APP/B4215/W/16/3162029

14A Darnell House, Kenworthy Lane, Northenden, Manchester, M22 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Bernard Cronshaw (Darnell Consultants Ltd) against the decision of Manchester City Council.
 - The application Ref 111738/OO/2016/S2, dated 31 March 2016, was refused by notice dated 7 June 2016.
 - The development proposed is an outline application for demolition of existing commercial office premises and provision of residential development of two new dwellings with access off Kenworthy Lane and with some other matters reserved.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with access, layout and scale for determination at this stage. I have therefore considered the appeal on the same basis, treating the appearance and landscaping as indicative.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupants of 14-18 Kenworthy Lane and 11-13 Heyridge Drive, having particular regard to privacy.

Reasons

4. Darnell House is a detached 2-storey office building situated behind 14-16 Kenworthy Lane. At present the principal elevation is almost perpendicular to the rear of nos.14-16, and there are no other windows on the remaining three sides of the building. Its layout, siting and design therefore minimises any overlooking of the adjoining gardens serving properties on Kenworthy Lane and Heyridge Drive, with only oblique views possible from first floor level.
 5. In contrast, the appeal proposal would be turned through roughly 90-degrees. The front elevation of the 2-storey semi-detached houses would be almost directly opposite the rear of 14-16 Kenworthy Lane. Based on the evidence provided by the Council they would also be approximately 5m away from the shared boundary. A similar relationship is proposed between the rear elevation of the new dwellings and nos. 11-13 Heyridge Drive.
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6. Allowing the appeal would therefore introduce a pair of 2-storey semi-detached houses facing directly towards the rear of nos.14-16 Kenworthy Lane and 11-13 Heyridge Drive within very close proximity to the adjoining rear gardens. Although a combination of fences, hedges and outbuildings would limit views at ground floor level, from the first floor bedroom windows the proposal would give rise to direct overlooking of the adjoining gardens. At such close quarters the subsequent loss of privacy and sense of intrusion would be harmful to the existing occupant's living conditions.
7. It is appreciated that within a built-up urban environment there will inevitably be a degree of mutual overlooking, and that views of neighbouring properties are already possible from the existing office. Due to the position of outriggers at the rear of houses on Kenworthy Lane direct views of habitable room windows would also be limited. However, the relationship between the proposed pair of dwellings and the adjacent rear gardens would be materially different than the existing office. Situated within such close proximity to the site boundaries, and with their principal elevations turned through 90-degrees, potential future occupants would be able to look directly into the adjacent gardens from first floor level. The sense of intrusion would be especially harmful at the rear of nos.14 and 16 Kenworthy Lane which only have relatively small private outdoor areas.
8. Properties on Heyridge Drive to the north-east are estimated to be at least 27m away from the proposal and there are a number of intervening trees. Although this would limit the impact of the proposal, the trees do not occupy the full width of the appeal site and the proposed dwellings would only be approximately 2.5m away from the boundary in places. As a result, the combination of landscaping and single storey outbuildings would not be sufficient to adequately mitigate the harmful sense of intrusion from 2-storey residential development so close to the adjoining rear gardens. New planting would also take a significant period of time in order to reach a level where it would provide effective screening from first floor windows.
9. In reaching this view I am mindful that the application was submitted in outline with appearance and landscaping reserved for future consideration. The size and position of windows would therefore be a matter for the final design. However, there is nothing before me to demonstrate how the dwellings could avoid the use of windows in the front and rear elevations to serve first floor bedrooms. Given that the layout, siting and scale would be fixed, I am not convinced that an acceptable scheme could be advanced at the reserved matters stage that would prevent a harmful loss of privacy and still provide an adequate standard of living accommodation for potential future occupiers. Using opaque glazing on the stairwell would not restrict overlooking from the first floor bedroom windows.
10. I therefore conclude that by reason of its layout, siting, orientation and scale the proposal would result in a harmful loss of privacy in the rear gardens of 14-16 Kenworthy Lane and 11-13 Heyridge Drive to the detriment of the existing occupant's living conditions. As a result, it conflicts with Policy DM1 of *Manchester's Local Development Framework Core Strategy Development Plan Document* which states that all development should have regard to issues such as the effect on amenity, including privacy.

Other Matters

11. It has been suggested that the Planning Officer only raised concerns late in the process which did not leave any time to address the issues. However, whilst appreciating the appellant's frustrations, I am required to consider the proposal on its specific merits. I have therefore determined the appeal on that basis, and the Council's approach to considering the planning application does not justify granting planning permission given the harm that has been identified.

Conclusion

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

Matthew Birkinshaw

INSPECTOR