
Appeal Decision

Site visit made on 1 July 2019

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/B4215/W/18/3215510

16 Sledmoor Road, Manchester M23 0NU

- 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 Mrs Al-Amood against the decision of Manchester City Council.
 - The application Ref 120121/FU/2018, dated 24 May 2018, was refused by notice dated 18 September 2018.
 - The development proposed is the change of use from Class C3 to Class D1.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance; and, the effect of the proposed development on the supply of family-sized dwellings in the area.

Reasons

Living Conditions

3. The appeal property is located within a predominantly residential area. It is the end property in a row of three terraced dwellings. The site backs on to a small communal parking area accessed off Sledmoor Road. The rear boundaries of the site comprise a concrete panel wall.
4. The proposed nursery would involve numerous drop-offs/pick-ups in the morning and evening, resulting in a significantly greater number of vehicle movements to and from the property than one would normally expect from a dwelling. I acknowledge the appellant's contention that the public house car park on the opposite side of the road could be used. However, there is no evidence before that any agreement could be secured in perpetuity. In any event, as Sledmoor Road has unrestricted parking, parents/guardians dropping off children would likely park on the road as it is closer to the appeal site and would prevent the need to cross the road, or park in the parking area to the rear of the site, which would unduly disrupt the occupants of Sledmoor Cottages.
5. In addition to the children drop offs/pick ups, there would be approximately 7 members of staff, which would also make a significant contribution to the comings and goings to the property, although I acknowledge that not all staff

may be present at the same time. The noise generated by car engines, doors closing and people conversing, particularly around 7am in the morning, would be unduly disruptive to neighbouring residents.

6. Given the nature of the business, there would be a discernible amount of noise generated by the children, both indoors and outdoors, throughout the day for seven days a week. This would have a detrimental effect on the living conditions of neighbouring residents, particularly the adjoining property resulting in them having very little respite for a large proportion of the day.
7. There are a number of commercial properties on Moorcroft Road, which would likely generate some noise throughout the day. However, the appeal property is clearly within a residential setting where one would expect a higher level of peace and quiet than a commercial/residential mixed-use setting.
8. I have had regard to the use of conditions to mitigate the harm as a result of noise and disturbance. However, given the proximity of the site to neighbouring dwellings and the likely level of noise generated, there is no evidence before me that any such conditions would adequately mitigate this harm.
9. I find therefore that the proposal would significantly harm the living conditions of the occupants of neighbouring residential properties, with regard to noise and disturbance. As such, it would be contrary to Policies SP1 and DM1 of the Manchester City Council Core Strategy (CS) 2012 and saved Policy DC26 of the Unitary Development Plan for the City of Manchester (UDP) 1995, which, amongst other things, seek to ensure that development makes a positive contribution to the wellbeing of residents and protects residential amenity, in particular from noise.

Family Housing

10. The CS recognises that there is a need to provide more housing for families. The explanatory text to Policy H7 of the CS states that the Council's Housing Need and Demand Study 2010 identifies Wythenshawe as an area in which there is a shortage of family housing but as having only a small amount of land available for development. Therefore, there is clearly a need to protect the existing family housing stock.
11. The proposal would result in the loss of the appeal property as a family dwelling, which would be contrary to the objectives of the CS, in particular Policy H7, and therefore would have a significantly harmful effect on the provision of family housing in the area.

Other Matters

12. The appellant identifies that there is a need for childcare facilities in the area and the site is well located in terms of accessibility to large employers, which weighs in its favour, albeit only slightly.
13. I have been referred to a number of other childcare facilities within the area that are within 'residential' buildings. Although the details before me of these other businesses are very limited, I note that the Council states that whilst there are such businesses, they are within a significantly different context to the appeal property. In any event, I have determined the appeal based on the planning merits of the proposal before me.

Conclusion

14. The proposal would provide a childcare facility where there is an identified need. However, I do not consider that this outweighs the harm to the living conditions of the occupants of neighbouring residential properties or the supply of family housing.
15. For the reasons given above, the appeal is dismissed.

Alexander Walker

INSPECTOR