



Appeal Decision

Site visit made on 6 August 2019

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2019

Appeal Ref: APP/B4215/W/19/3227135

4 Stanhope Street, Manchester M19 3WQ

- 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 N Shazad against the decision of Manchester City Council.
 - The application Ref 121201/FU/2018, dated 6 September 2018, was refused by notice dated 4 December 2018.
 - The development proposed is change of use from car repair garage with office above to create 1 x one-bed and 1 x two-bed self-contained flats with associated elevational alterations, car parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development as given on the application form is different from that provided on both the appeal form and the Council's decision notice; accordingly, I have used the latter description.

Main Issues

3. The main issues in this appeal are:
 - (a) whether the proposal would provide acceptable living conditions for future occupants, with particular regard to noise and disturbance from adjacent industrial uses, and
 - (b) the effect of the proposal on the character of the street scene, with particular regard to boundary treatment, and
 - (c) whether the proposal would reduce the risk of crime.

Reasons

Living conditions

4. The appeal site is a flat-roofed brick building; one-storey to the front, two-storey to the rear, and of industrial appearance and use. The predominantly residential characteristic of the street was, at the time of my site visit, being consolidated by construction of a large new residential development to the immediate north of the site, and a former industrial building there has now been demolished. However, to the immediate west of the appeal site is an industrial workshop, and to the south is a two-storey building, which I am advised is used as an electrical engineers.

5. The proposal would result in a residential use being located immediately next to the industrial uses. At my site visit, I observed the yard to the immediate west of the appeal building had direct access to the adjacent workshop, and the yard appeared to be in use by that workshop. Whilst the proposed flats would have no windows facing directly onto the workshop and yard, there are windows on the side elevations, in close proximity to the industrial use, that could experience noise and disturbance, particularly the window serving bedroom 2 of the first-floor flat which could experience noise funnelled along the alleyway.
6. Although it may potentially be the case that the existing brick outer wall, concrete floor and roof, and additional sound protection measures could offer some mitigation, measurable evidence of the effects would need to be clearly understood before any permission could be granted. In the absence of any robust evidence to demonstrate how noise and disturbance from the industrial uses would be adequately mitigated, I find that there is a very significant risk that conflict would occur between the residential and industrial uses. I am not aware of the details of the planning permission for the residential development to the north currently under construction and any associated noise mitigation measures. However, the current proposal must be considered on its own merits.
7. Accordingly, I conclude that the proposed development would not provide acceptable living conditions for future occupants, with particular regard to noise and disturbance from adjacent industrial uses. As such, the proposal is contrary to Policies DM1 and SP1 of the Manchester City Council Core Strategy and saved Policies DC5 and DC26 of the Unitary Development Plan for the City of Manchester, which, amongst other considerations, require that standards of accommodation and effects such as noise on living conditions are satisfactory.

Character of the street scene

8. The existing two-storey terraced brick dwellings on Stanhope street are largely uniform in appearance, with small front gardens with low brick boundary walls. The proposal would result in the removal of the single storey structure to the front of the building which would, in itself, be beneficial in visual terms. However, the resultant land is shown as being open frontage, without any of the low boundary walls characteristic of much of the street. From my observations, this would be out of keeping with the character of the locality, such that harm would be caused to the street scene. Consequently, the proposed development would cause conflict with Policies DM1 and SP1 of the Manchester City Council Core Strategy and saved Policy DC5 of the Unitary Development Plan for the City of Manchester, which together require development to be well-designed and appropriate within its context, amongst other considerations.

Risk of crime

9. It is not exactly clear from the Council's reason for refusal or statement of case precisely what arrangements are expected from the proposed development that would reduce the risk of crime. Whilst definition of public and private space and low boundary walls are cited, the proposal as submitted indicates a fully open frontage. As such, there would be full natural surveillance from the street and I therefore find that the proposal would have no less than a neutral effect on reducing the risk of crime. Accordingly, and notwithstanding my

above findings on character of the street scene and living conditions, there would be no conflict with Policies DM1 and SP1 of the Manchester City Council Core Strategy and saved Policy DC5 of the Unitary Development Plan for the City of Manchester.

Other matters

10. The change to internal layout; amendments to allow parking and garden space; potential removal of the car parking spaces; and alleviation of housing shortage, are not matters which would outweigh the harm I have found above. The appellant has also referred to the handling of the application by the Council, however I must determine the appeal on its merits. In terms of outdoor garden space, I note that ownership of a relevant part of the site is in dispute. However, ownership issues are a private matter between the relevant parties and not within my jurisdiction.

Conclusion

11. I have found that the development would have a neutral impact on reducing the risk of crime. However, this is outweighed by my findings that the proposed development would not provide acceptable living conditions for future occupants and, furthermore, that the lack of boundary treatments would cause harm to the street scene. Consequently, for these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Hanna

INSPECTOR