



Appeal Decision

Site visit made on 4 December 2019

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/B4215/W/19/3237188

10 Rosslyn Road, Manchester M40 9PE

- 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 Mt John Keenan against the decision of Manchester City Council.
 - The application Ref 124121/OO/2019, dated 2 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is described as the "demolition of existing builder's yard and erection of new three storey building with twelve apartments".
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage, all other matters are reserved for future consideration. I have therefore treated plans relating to these reserved matters as being indicative.

Main Issues

3. The main issues are:
 - a) Whether the proposed development would provide a suitable mix of housing, having regard to the spatial strategy for the area;
 - b) The effect of the development on living conditions of the occupiers of neighbouring properties with particular regards to noise and disturbance;
 - c) The effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is a vacant piece of land that fronts on to Rosslyn Road. The site is bound by residential properties or the rear service lanes of residential properties on the remaining three sides. The site is of an irregular shape as a result of additional garden areas of Nos. 443 and 445 Moston Lane projecting into the site.
5. The appeal scheme would result in the development of the site for 12 apartments, the appellant has indicated that these would be 9 two bed apartments and 3 one bed apartments, accommodated in a three storey flat roofed building fronting on to Rosslyn Road, with parking and amenity space to the rear.

Spatial Strategy

6. Policy H3 of Manchester's Local Development Framework Core Strategy Development Plan Document (the CS) relates to housing development in North Manchester and prioritises the delivery of family housing and details that high density housing will only be permitted within specific geographical locations that benefit from, amongst other matters, high frequency public transport.
7. Policy H1 of the CS states that development outside of district centres should generally be 40 dwellings per hectare (dph), while type size and tenure will be assessed on a site by site basis.
8. The appeal proposal, which at 92 dph as stated by the Council, is a high density housing development and the appeal site is not within a location identified by Policy H3 of the CS as being suitable for such development.
9. I note that the appellant disputes the Council's figure of 40-50dph for the surrounding area and identifies a significantly higher figure of 70 -72 dph. Nonetheless, the appeal scheme is of a significantly higher density than the surrounding area.
10. The appellant states that the site is next to Moston Lane which is a major bus route, but that as it may Policies H1 and H3 define specific geographical areas where high density housing will be permitted, and the appeal site is not within such a location.
11. Turning to the housing type, the appellant states that the requirement for family housing in this area is based on a report, Housing Need and Demand Assessment, that is now some ten years old. However, I have no substantive evidence before me to suggest that this evidence is now out of date and the Policy clearly details the need to provide family housing.
12. Therefore, I find that the appeal scheme would fail to provide a suitable mix of housing and would not accord with the spatial strategy for the area contrary to Policies H1 and H3 of the CS.

Living conditions

13. The creation of 12 apartments (21 bedrooms) on the site, including carparking, would generate a level of activity likely to be greater than from other properties nearby with an equivalent street frontage.
14. Concern has been raised in particular with comings and goings to the rear of the site, where a car park is shown on the indicative plans as being adjacent to the service lane of neighbouring residential properties.
15. However, the proposed development is a residential use in a residential area. Therefore, it is reasonably anticipated that the character of the use, in particular residents leaving for work or similar in the morning and returning in the evening, will be similar to other residential properties in the area.
16. The existing boundary treatment to the rear of the neighbouring properties and the appeal site generally consisting of high brick walls would act to mitigate the noise and effect of, for example, car headlights disturbing the occupiers of the neighbouring properties when residents arrive and leave the site.
17. Therefore, while the proposed development is noticeably denser than the surrounding residential properties, I do not find that this would result in an

overly intensive use with regards the effect of the development on the living conditions of the occupiers of neighbouring properties.

18. In this regard, the proposed development is not contrary to Policy DM 1 and SP1 of the CS, and saved policy DC26 of Unitary Development Plan for the City of Manchester that, amongst other matters, seek to set out the general criteria for new development and to protect residents from noise.

Character and appearance

19. The immediate area around the appeal site largely comprises traditional, two-storey semi-detached and terraced, dwelling houses. At the site visit I noted that the spacing between properties, the properties and plot sizes, building lines and ridge heights are relatively uniform in the surrounding area.
20. Therefore, the proposed three storey, flat roof building proposed by this appeal to accommodate 12 apartments would be a notable departure from the scale and height of the surrounding area and would insert a dense development into an area otherwise characterised by a more spacious pattern of development.
21. I note the appellants comments with regards the provision of off street parking, the alignment of the front elevation of the building with the rest of the street and the benefits that contrasting building designs can bring to the character and appearance of the area.
22. Nonetheless, on the basis of the evidence before me I find that the proposed development would represent an incongruous and over dominant feature that would be out of keeping with the character and appearance of the area. Therefore, the appeal scheme is contrary to Policies SP1, H1 and DM1 of the CS that, amongst other matters, seek to protect the character and appearance of the area.

Other Matters

23. That the proposed development would bring a vacant and previously developed site back into effective economic use is a material consideration that weighs in favour of the appeal. However, it does not outweigh the harm I have identified previously.
24. The appellant has submitted various plans showing alternative schemes for the development of the site with reference to discussions with the Council. I note that these schemes would provide fewer residential units than the appeal scheme and demonstrate some of the difficulties in developing the site. However, on the basis of the evidence before me I find that it has not been demonstrated that these are the only potential developments that could be brought forward for the site or that these alternative schemes are not viable. In any event, I have considered the appeal proposal on its own merits.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR