
Appeal Decision

Site visit made on 23 March 2020 by Hannah Ellison BSc (Hons) MSc

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st April 2020

Appeal Ref: APP/B4215/D/20/3244704

190 Victoria Avenue, Blackley, Manchester M9 0RR

- 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 David Foster against the decision of Manchester City Council.
 - The application Ref 125098/FH/2019, dated 9 October 2019, was refused by notice dated 28 November 2019.
 - The development proposed is a granny flat in rear garden.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. It is suggested by the appellant that the proposal could be constructed as permitted development. This is not a matter for me to determine in the context of a s78 appeal and accordingly I have determined the appeal on the basis of the plans before me. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal. Furthermore, I am required to consider the scheme as a whole.

Main Issues

4. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area; and,
 - (ii) the living conditions of neighbouring occupiers, with particular regard to outlook, noise and disturbance.

Reasons

5. The appeal site includes a two-storey detached dwelling set within a large plot with generous garden space to the side and rear. It is of similar appearance to the adjacent row of detached and semi-detached properties. This proposal

seeks permission for a single-storey outbuilding to the rear, to be used as ancillary accommodation for a relative.

Character and appearance

6. Saved policy DC6 of the Unitary Development Plan for the City of Manchester (July 1995) (the UDP) notes that residential development on backland sites will not be permitted unless the scale and design of the development is compatible with the character of buildings in the surrounding area.
7. There is generous space to the side and rear of the host dwelling, which contributes positively to this part of the street scene and creates a spacious feel to the appeal site. In addition, from my observations on site, the majority of dwellings in the local area have an active road frontage creating a uniform appearance and regular rhythm to the street scene.
8. The appellant has stated that the building would be used as accommodation for dependent family. However, it would be separated from the host dwelling by a boundary wall facilitating a separate garden space accessed by an independent pedestrian access. This together with the size, location and design of the proposal, would have an appearance of a small dwelling that would be completely contrary to the dominant settlement pattern through the introduction of backland development. Furthermore, the siting of the proposed building at a low level means that its appearance from Victoria Avenue would be restricted to the upper part of the building, mostly comprising a vast expanse of roof, appearing incongruous and failing to integrate satisfactorily in the otherwise mainly uniform street scene.
9. Consequently, the proposed development would have a harmful effect on the character and appearance of the area. It is therefore contrary to policy DC6 of the UDP and policies SP1, EN1 and DM1 of the Manchester Core Strategy (July 2012) (the CS) which collectively seek to ensure, amongst other things, that developments have regard to and enhance the character of the surrounding area.

Living conditions

10. The Council has raised concerns that the proposal, due to its siting, scale, design and use, would result in noise and disturbance and it would be an intrusive feature that would have an overbearing effect on the living conditions of neighbouring occupiers, particularly those at Nos 188 and 192 Victoria Avenue and No 10 Garbrook Avenue.
11. Due to the generous depth of the appeal site and the positioning of the proposal towards the northern corner of the garden, it would be positioned a sufficient distance from the shared boundary with No 188 Victoria Avenue. It is acknowledged that it would be sited within close proximity to the side boundary of No 192 Victoria Avenue. However, this part of the appeal site is set lower than the garden of No 192 and there is a detached garage on the neighbouring site immediately adjacent the boundary. As such, this proposal would not be visually overbearing for occupiers of either property.
12. I note that the appeal site does not share a boundary with properties on Garbrook Avenue, therefore I do not consider that this proposal would harm the living conditions of occupiers at No 10. Nevertheless, the proposal would be positioned some distance from the dwellings to the rear, due to their corner

positions and generous garden depths and therefore would not be materially intrusive or overbearing.

13. With regards to comings and goings, it is noted that the proposed development would be occupied by a relative who would be solely dependent on occupiers of the main dwelling to provide cooked meals and wash clothes. As such, the proposal would not result in a new unit and the increase of one additional person would not substantially increase the levels of activity at the appeal site, including vehicle movements.
14. Therefore, this proposal would not significantly harm the living conditions of neighbouring occupiers and it would comply, in this respect, with policies DC1.1, DC6.1 and DC6.2 of the UDP and policies SP1, EN1 and DM1 of the CS which collectively seek, amongst other things, to ensure developments have regard to the amenity and wellbeing of neighbouring occupiers and do not significantly increase noise and disturbance.

Other Matters

15. The appellant highlights that the accommodation would meet the needs of their family. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I do not doubt that the proposal would help accommodate the needs of the family. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same needs of the family.
16. Although I have found that the proposal would not be harmful to residents' living conditions, this would not outweigh the considerable harm I have found the character and appearance of the area.
17. Having carefully weighed the potential benefits of the scheme, I therefore consider that dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well established planning objective of protecting the character or appearance of an area.

Conclusion and Recommendation

18. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hannah Ellison

Appeal Planning Officer

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Zoe Raygen

INSPECTOR