
Appeal Decision

Site visit made on 21 September 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Andrew Owen BA (Hons) MA MRTPI

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

Decision date: 15 October 2020

Appeal Ref: APP/B4215/W/20/3255651

The Friendship Inn, 351-353 Wilmslow Road, Manchester M14 6XS

- 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 Hydes Brewery Ltd against the decision of Manchester City Council.
 - The application Ref 126059/FO/2020, dated 29 January 2020, was refused by notice dated 19 May 2020.
 - The development proposed is installation of new external canopy.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Hydes Brewery Ltd against Manchester City Council. This application is the subject of a separate Decision.

Appeal Procedure

3. 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.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the surrounding area, and
 - the effect of the proposal on the living conditions of occupiers of neighbouring properties in respect of noise and disturbance.

Reasons

Character and appearance

5. The Friendship Inn is a large detached building at the junction of Wilmslow Road and Egerton Road in a mixed commercial and residential area on the edge of the Fallowfield District Centre. The area to the rear of the building, fronting Egerton Road, is used as a beer garden and contains an outside bar and an existing open sided canopy.

6. The appeal proposal is for an additional canopy, approximately 8 metres by 6 metres with a monopitched roof sloping towards Egerton Road, with a maximum height of 3.6 metres and a minimum height of about 2.5 metres. The canopy would be constructed with a steel frame, with a powder coated aluminium roofing system with glazing strip. There would also be a free-standing glazed screen along the frontage of the canopy, set back from the road.
7. The proposed shelter would appear taller than the existing structures in the beer garden and due to this, and its significant width, it would therefore be more prominent in the streetscene than the existing structures. Moreover, the functional design of the canopy would contrast with the design of the outside bar and existing canopy resulting in a muddled and untidy visual effect. Overall, though subservient to the main pub building, the scale and materials of the proposal would result in a dominant and incongruous feature in the area.
8. I note the appellant's suggestion that a range of smaller umbrella type structures could be erected instead. However, whilst the single span of the proposal would have a more homogenous appearance than these, it would be significantly larger and bulkier. It would therefore not be likely to be visually preferable.
9. I conclude therefore that the proposal would harm the character and appearance of the surrounding area. It would hence fail to comply with policy DM1 of the Manchester City Council Core Strategy (2012) which, amongst other things, seeks to ensure that development is of an appropriate scale and has regard to the surrounding area.

Living conditions

10. Whilst I acknowledge that there is permission to use the area as an outdoor space in connection with the public house, an increase in the covered area would most likely lead to an intensification of its use particularly during inclement weather.
11. The appellant suggests the canopy and screen combined would mitigate for noise generated from the area within. However, it is primarily an open structure with there even being a gap between the screen and the canopy at its front. Whilst I acknowledge this may have some impact on the noise escaping, it is not likely to mitigate the noise issue satisfactorily. The resultant noise may be disturbing to nearby residents.
12. The Council do have powers under other legislation to investigate noise complaints. Nonetheless, planning should seek to ensure a satisfactory living environment for people and, notwithstanding any concerns of this nature in relation to the current operation of the pub, it would be remiss to set aside any concerns relating to this issue for the Council to resolve at a later date.
13. As such, I conclude that the proposal would harm the living conditions of the occupiers of neighbouring properties. It would therefore fail to comply with policies SP1, DM1 and C10 of the Manchester City Council Core Strategy (2012) and policies DC10 and DC26 of the saved Unitary Development Plan (1995) which together, amongst other things, seeks to ensure that development does not create an unacceptable impact on neighbouring uses.

Other Matters

14. I acknowledge the difficult trading conditions caused by the current Covid 19 pandemic. However, whilst I have sympathy with the appellant, these issues are likely to be temporary and this permanent development cannot be at the expense of character and appearance of area and neighbour's living conditions.

Conclusion and Recommendation

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

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR