



Appeal Decision

Site Visit made on 9 October 2020

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/B4215/W/20/3257018

Land to the rear of 243 - 249 Broom Lane, Levenshulme, MANCHESTER M19 3LZ

- 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 H Ibrahim against the decision of Manchester City Council.
 - The application Ref 126870/FO/2020, dated 6 May 2020, was refused by notice dated 21 July 2020.
 - The development proposed is the erection of 1 x bungalow (Class C3) with associated parking, landscaping and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect on the living conditions of neighbouring occupiers with particular regard to privacy, noise and disturbance;
 - iii) whether the site would provide a safe and suitable access for all users;
 - iv) the effect of the proposal on public safety.

Reasons

Character and appearance

3. The predominant form of development in the area surrounding the appeal site is red brick, traditional terraced housing. The streets are laid out in a regular grid pattern, and the buildings fronting onto them have consistent building lines. The dense street pattern provides few opportunities for infill or backland development, so the triangular piece of unused land at the rear of Broom Lane, Barlow Road and Carnegie Avenue, which is the subject of this appeal, is unusual.
4. The proposed dwelling would make use of currently unused land, but would constitute backland development which would have no active street frontage. As such, it would fail to reflect the existing well defined pattern of development in the area. Furthermore, the siting of the proposed bungalow

would not reflect any of the building lines which are strongly established in the three streets which frame the site.

5. Although the bungalow would use materials to reflect those in the locality, its form, height and appearance would not reflect the character of the wider area. The reasons for limiting the height of the building are understandable, and a bungalow would contribute to the housing mix in the area. However, the style of the proposed building would be at odds with the surrounding two or three storey buildings which strongly characterise the area. Its appearance and horizontal emphasis would not reflect the regular, vertical proportions which define the houses in the surrounding area.
6. Owing to its siting, scale and appearance, the proposal would fail to respond to its wider context. Although the site is not readily visible from the surrounding streets, the development would appear as an alien form when viewed from the significant number of houses which immediately surround the site. The incorporation of landscaping and high quality boundary treatments would not be sufficient to overcome the deficiencies of the scheme.
7. I conclude that the proposal would cause harm to the character and appearance of the area. It would conflict with Policies SP1, H1 and DM1 of the Manchester Core Strategy which together require new development to make a positive contribution to neighbourhoods of choice, having regard to the character of the surrounding area and the impact in terms of design, scale and appearance. The proposal would also fail to comply with saved policy DC6.1 and DC6.2 of the Unitary Development Plan for the City of Manchester (UDP), which says that the Council will not normally grant consent for residential development on 'backland' sites, unless, amongst other considerations, the scale and design of the development is compatible with the character of buildings in the surrounding area.
8. There is further conflict with the detailed guidance on character and context contained in the Guide to Development in Manchester (SPD), and the requirements of paragraph 127 of the National Planning Policy Framework (the Framework) concerning the design of new development.

Living conditions

9. The appeal site is surrounded by the rear boundary walls of the surrounding houses, and by making use of this land, the proposal would introduce additional activity close to back yards and gardens, where currently there is none.
10. Given the existing lack of use of the site, the proposal does have the potential to cause some noise and disturbance to neighbouring properties. This could include vehicle movements and general activity in and around the house and garden. However, the development would only involve one dwelling, so the associated impacts would be limited. Vehicle movement associated with the use would be low, and the density and urban character of the surrounding area means that an element of traffic and other noise is already a feature of the area.

11. Use of the access would result in people and vehicles passing immediately alongside the side elevation of 243 Broom Lane (No. 243), in close proximity to a number of windows at the side and rear of that property, some of which will serve habitable rooms. However, due to the low level of vehicle movements which would be associated with a single dwelling, the impact on the occupiers of No. 243 would not be unacceptable.
12. The existing security gates on the access road are proposed to be removed. This would avoid the need for vehicles entering the site to stop outside No. 243 whilst opening the gates, so would be beneficial in terms of minimising noise and disturbance. However, removal of the gates could introduce security concerns, as outlined below.
13. Headlight glare from vehicles travelling along the access road would affect properties on the other side of Broom Lane, whose windows face directly towards the access. Rear windows of No. 243 could also be affected by glare from passing vehicles. However, the low level of traffic which would be associated with the scheme would mean that any such impacts would be shortlived and infrequent. Within the site itself, the existing rear boundary walls and fences provide a solid barrier, which would help limit the impact of lights from stationary or moving vehicles.
14. I note concerns raised by neighbours regarding overlooking, overshadowing and loss of privacy. However, the rear boundary fences and walls of the surrounding properties are of sufficient height to provide a good degree of screening, and would limit overlooking from windows in the proposed single storey dwelling. As such, there would be no unacceptable loss of privacy to the gardens of surrounding houses.
15. The rear part of the proposed bungalow would be sited close to the boundaries of 4 Carnegie Avenue and 228 Barlow Road. When viewed from these properties and their immediate neighbours, the proposed development would result in a loss of the currently open aspect. However, owing to its modest height and the presence of existing boundary walls and fences, the proposed bungalow would not be unduly overbearing from those properties, and would not cause significant overshadowing to south facing gardens.
16. Given the scale of the proposal; the limited levels of activity which would be associated with a single dwelling; the existing characteristics of the site and its urban location, I conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers with regard to privacy, noise and disturbance. Consequently, there would be no conflict with Saved UDP Policies DC6.1 and DC6.2 or Core Strategy Policy DM1 in relation to these issues. The proposal would also be consistent with paragraph 127 of the Framework which requires a high standard of amenity for existing users.
17. The Council has also referred to Core Strategy Policies DM1 in relation to this issue, but this policy is concerned with the key spatial principles rather than matters of amenity.

Safe and suitable access

18. Vehicular access would make use of the single width driveway between 235 and 243 Broom Lane. Broom Lane is a busy through road, and the access is a short distance from the signalised junction with Barlow Road.
19. In the previous appeal relating to a proposal for 8 garages on the site, the Inspector found that, whilst visibility onto Broom Lane is good in a northerly direction, it is severely restricted the other way by a hedgerow along the front boundary of 235 Broom Lane. As a result, drivers exiting the site do not have a clear view of traffic or pedestrians approaching from this direction. The situation regarding the hedge has not changed since the previous decision.
20. The level of traffic likely to be generated by the proposed dwelling is limited, and I note that the highways officer has not raised concerns in relation to the traffic or safety impacts. However, the highways officer has noted that a visibility splay should be provided to demonstrate no constraints in sight lines. Given that the boundaries on either side of the access, including the hedge, are outside of the appellant's control, it is unclear how this could be achieved. As such, the proposal could result in conflicts between vehicles exiting the site and other road users, including pedestrians, which would be unacceptable.
21. I note the appellant's suggestion that a mirror could be used to assist with visibility, but there are no obvious places where this could be positioned, and it is unclear how it would be maintained. Similar concerns relate to suggestions that signage be erected to alert other road users of the access.
22. In light of the above, I find that the proposal would not provide a safe and suitable access for all users. It would conflict with Core Strategy Policy DM1, which requires that development has regard to vehicular access, and paragraph 108 of the Framework which requires that safe and suitable access is provided in development proposals.
23. Reference was also made in the decision notice to Core Strategy Policies SP1 and T2. However, Policy SP1 is a strategic policy which is not directly applicable to this issue, and Policy T2 is not concerned with detailed matters of site access.

Public safety

24. Whilst the site lacks natural surveillance from the road frontage, it is clearly visible from a significant number of houses which directly overlook it. The site is previously unused, but by bringing it into active use, the potential for crime and anti-social behaviour, such as fly tipping, may reduce.
25. Notwithstanding that, the site provides access to the rear of a number of properties, and the installation of gates along the alleyways in this area has provided security benefits for residents. The proposed removal of the gates along the main access, between 243 and 235 Broom Lane, has prompted concerns about easier access to the rear of the surrounding properties. I agree that, on the grounds of security, it would be preferable if the gates were to be retained, and note that the appellant has agreed that this could be done. If the scheme was otherwise acceptable, a way to retain the gates

whilst minimising the need for vehicles to stop outside of No. 243 would need to be found, but this should not be insurmountable.

26. I note that the Designing Out Crime Officer has not objected to the scheme, but has made a number of suggestions regarding boundary treatments and illumination. These matters could be the subject of appropriate conditions, if the proposal was otherwise acceptable.
27. On the basis of the evidence before me, I am not persuaded that the proposal would result in harm to public safety. I find no conflict with Core Strategy Policies DM1 and SP1 in relation to community safety and crime prevention. The proposal is also consistent with guidance in the SPD regarding these matters. Saved UDP Policies DC6.1 and DC6.2 do not apply to this main issue.

Conclusion

28. The proposal would not cause undue harm to the living conditions of neighbouring occupiers, or to public safety. However, this lack of harm is not sufficient to overcome the harm to highway safety and to the character and appearance of the area which I have identified.
29. Material considerations do not indicate that I should conclude other than in accordance with the development plan as a whole. I therefore conclude that the appeal be dismissed.

R Morgan

INSPECTOR