
Appeal Decision

Site visit made on 29 September 2020

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020

Appeal Ref: APP/B4215/W/20/3247503
Bristowe Street, Manchester M11 4LW

- 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 Muneer against the decision of Manchester City Council.
 - The application Ref 123916/FO/2019, dated 10 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is residential development of 2 x 2 bed bungalows and 2 x 1 bed bungalows with associated access road, parking and landscape.
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Decision

1. The appeal is dismissed.

Procedural Issue

2. As part of the appeal, the appellant has included an additional plan 14057-06C showing an amendment to the bin storage, the annotations of separation distances and turning provision. The Council has had the opportunity to comment on the revised plan, I do not consider that its interests would be prejudiced if I take the amended plan into account. I shall therefore determine the appeal for planning permission on the basis of the plans at the time of determination, as well as the plan submitted as part of this appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, having particular regard to its location; and
 - The effect of the proposals on the living conditions of neighbouring occupiers, and whether it would provide acceptable living conditions for future occupiers, with particular regard to the location, outlook, privacy, noise and disturbance.

Reasons

Character and Appearance

4. The appeal site is a vacant parcel of land which appears to have been neglected for some time resulting in it being extensively overgrown. It is within a predominantly residential area with open space to the north and east of the site, Clayton Vale and is a key link to Medlock Valley Linear Park. The majority of properties within the immediate area are semi-detached two-storey

- dwellings with similar features including hipped roofs. Despite some variation in form, they appreciable contribute to the character and appearance of the area.
5. Policy SP1 of the Manchester's Local Development Framework, Core Strategy Development Plan Document, 2012 (CS) sets out the key spatial principles for development of Manchester to 2027, including providing high quality diverse housing, all development should have regard to the character and make positive contributions to neighbourhoods. Policy DM1, requires development to have regard to appropriate siting, layout, scale, form, massing, materials and detail and the design, scale and appearance on the surrounding area. Whilst Policy EN1, sets out the design principles in regard to identified strategic character areas.
 6. Saved Policy DC6.1 of the Unitary Development Plan for the City of Manchester, 1995, (UDP) sets out that consent will not normally be granted for residential development on 'backland' sites, with limited access to a road because they are surrounded by housing. Saved Policy DC6.2 states development will not be permitted unless the scale and design is compatible with the character of buildings in the surrounding area.
 7. The Guide to Development in Manchester Supplementary Planning Document and Planning Guidance, 2007, (SPD) expects development to be of high-quality design making a positive contribution to the City's environment. Paragraph 2.10 advises that streets should define and help to identify individual neighbourhoods and buildings as well as providing access through them. Paragraph 2.12, highlights the importance that buildings should front onto streets to achieve a sense of place and help people feel comfortable and safe and at 2.13 advises that the scale, position and external appearance of new buildings should respect their setting and relationship to adjacent buildings and enhance the street scene.
 8. The Manchester Residential Quality Guidance, 2017 (RQG) sets out the key ingredients for good quality residential development, in particular places emphasis on the need for real street frontages for new development. This includes clarifying the front of development; a clear interrelationship between the building and the street and public realm; ensuring that it faces towards the street. It requires applicants to demonstrate that they have a understanding of the design to street hierarchy, contribute to creating a safe and active street, range of natural surveillance, and facilitated safe and enjoyable public realm.
 9. The proposed development would consist of 4 bungalows and would be accessed from Bristowe Street, which is a dead end. The bungalows would be set back considerable within the site and be surrounded by existing residential development by both Bristowe Street and North Crescent. It would, therefore, constitute backland development. There would be no active frontage to the residential development, resulting in it having a poor form of relationship with immediate dwellings, being two-storey houses and the parkland, which surround it.
 10. Due to the scale, appearance, site layout and excessive amount of hard surfacing within the development the proposed bungalows would be at odds with the prevailing character and appearance of dwellings within the immediate area. I accept that there is a variety of architectural style within the wider area, however those properties I saw that immediately surround the site are two-storey houses with similar features.

11. Furthermore, the overall appearance and design would be incongruous and represent a large single block of adjoining bungalows which appear contrived to fit within the site context, compounded by the vast amounts of hardstanding for access and parking. Although, the site is not readily visible from the surrounding streets, the development would be seen from those properties which surround it. Moreover, I observed at the time of my site visit the appeal site is visible from glancing views looking towards the south from along the pathway within the open space/park. As such, the proposed dwellings would appear as an alien form in contrast to the existing surrounding two-storey residential development, all to the detriment of the character and appearance of the immediate and wider area.
12. For the reasons given above, I conclude that the proposed development would harm the character and appearance of the area, in particular having regard to its location forming backland development. It would be contrary to Saved Policies DC6.1 and DC6.2 of the UDP and Policies SP1, DM1 and EN1 of the CS, as already identified above. It would also be at odds with the guidance on new development set out within the Council's SPD and RQG.

Living Conditions

13. The proposed development would be sited in close proximity to the existing residential properties and gardens of those along Bristowe Street and North Crescent. Given the appearance of the appeal site, of which appears to have been neglected for some time and not utilised by any activity, it would have the potential to cause some additional noise and disturbance to nearby occupiers. This includes general domestic activities of comings and goings including vehicle movements and the use of the private garden areas.
14. However, I consider the impact would be negligible, particularly as the open space / park bound the site and the density of the area is likely to already feature a level of increased noise and disturbances for existing residents. Furthermore, I consider traffic movements would be generally low within the site itself, with the amount of development proposed resulting in limited comings and goings.
15. The appellant contends that the layout, siting and distance of the proposed bungalows to those surrounding properties would be acceptable. The Council argue that 21m would not be sufficient as there is a deficient in part due to the angles of the site layout. I have not been provided with any evidence from the Council of what would be a suitable distance, or aware of any CS or UDP policy that states the required distance. However my attention has been drawn to the Council's RQG, which states at (4) ensure visual and acoustic privacy, that *'while the norm is for a back-to back distance of 20m, this can be restrictive and reduction may be appropriate where facing uses are compatible, there remains a sufficient amount of daylight and residents enjoy a sense of space without feeling overcrowded'*.
16. I have also had regard to the previous appeal decisions¹ at the site although these were some time ago and in part the local policy context has changed. There are clearly still comparisons with the scheme before me including that the appeal site forms 'backland development' and the street scene and wider area has relatively remained the same. Nonetheless, I have been provided with

¹ APP/B4215/A/07/2046327, APP/B4215/A/08/2076524,

limited details of the previous schemes, but it would appear that these related to outline development for 4 no. two-storey houses, unlike the proposals before me for bungalows. Although, I have no reason to disagree with the Inspector's overall conclusions in dismissing those appeals, in any event, I must consider the appeal on its own merits.

17. In this case, given that the bungalows would only be one-storey and the evidence before me indicates that some 21m could be achieved between the bungalows and surrounding dwellings. I consider this to be an acceptable distance and there would be no direct views or overlooking directly between properties. Furthermore, there would be existing tree cover retained along the boundaries and appropriate boundary treatments within proposed garden areas could be agreed by suitable worded conditions. As such, this would reduce any impact on neighbouring garden areas for both existing residents and future occupiers of the bungalows, in terms of overlooking and privacy concerns.
18. Given the relatively small height of the bungalows in comparison to the surrounding two-storey dwellings, it would be unlikely that they would appear overly dominant or overbearing when viewed from those adjacent dwellings, particularly along North Crescent into the appeal site. Neither, do I consider there would be a significant impact on future occupiers given the distance between properties or that the lack of road frontage provides an unacceptable relationship for living conditions of future occupiers. Therefore, the proposals would not be detrimental to the living conditions of existing neighbouring occupiers and any future occupiers of the development.
19. Although, I have found the proposals would not cause harm to the living conditions of existing occupiers of neighbouring residential properties or future occupiers of the bungalows, and, in that regard, it would comply with Saved Policies DC6.2 and DC26 of the UDP and Policies SP1, and DM1 of the CS. This does not outweigh the harm I have identified in regard to the character and appearance of the area, particularly with the location of the appeal site constituting backland development where Saved Policy DC6.1 restricts such development.

Other Matters

20. I acknowledge that the appellant purchased the appeal site many years ago with the knowledge that the site was previously granted consent in 1994² for residential development of 5 houses. However, from the evidence before me, it would appear that there is no real prospect (fallback) it could go ahead as it was never implemented. Moreover, some 25 years has now passed including that local and national policy has changed and it appears the Council would be unlikely to grant permission on the same terms now. As such, I attach no weight to the fallback position.
21. The appellant's evidence heavily relies on bringing the former brownfield site back into use and introduce environmental improvements to the area, including reduction of crime. I accept that it would improve the area as the appeal site is neglected and it was apparent from the site visit that fly tipping had taken place. The Framework is supportive of positive planning and ensuring that land is viable as a resource and is put to best use. Whilst this may be the case, it is not without caveats, including that developments are sympathetic to local

² 044753/FO/NORTH2/93

character, will function well and add to the quality of the area and establish or maintain a strong sense of place, using the arrangements of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live.

22. There were additional concerns from a local resident about the proposed development, including loss of trees. However, the Council did not raise this point as a reason for refusal and I have no substantive evidence to support those concerns. Given my findings in relation to the main issues, it is not necessary to consider the matter in detail.
23. I note the additional concerns in regard to the access and it being a private road not up to adoptable standards including no segregated footways for pedestrians. These were not included in the reasons for refusal, and I have no substantive evidence to suggest that the proposals would cause significant harm to highway safety. It appears that these matters could be resolved by suitable worded conditions or by legal agreements with highway services. However, this matter does not outweigh the harm I have identified.
24. I recognise the appeal proposal would have benefits with regard to the supply of housing in the city, be within a sustainable location and the contribution both construction opportunities and any future occupiers would make to the local economy. These matters, however, do not outweigh my findings in respect of the main issues and harm to the character and appearance of the area nor the conflict I have found with the development plan read as a whole.

Conclusion

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

K A Taylor

INSPECTOR