



Appeal Decision

Site visit made on 18 January 2021

by Paul Singleton BSc MA MRTPI

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

Decision date: 26 January 2021

Appeal Ref: APP/B4215/W/20/3260515

Land at corner of Butterson Drive and Constable Street, Manchester

- 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 B Blair against the decision of Manchester City Council.
 - The application Ref 125432/FO/2019, dated 12 November 2019, was refused by notice dated 3 April 2020.
 - The development proposed is erection of two storey, end terraced dwelling with associated car parking and boundary treatments.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the site and its surroundings.

Reasons

3. The houses on Butterson Drive have been erected relatively recently. Planning permission was initially granted in 2008 with a revised scheme having been approved in May 2009 (Ref 087972/FO/2008/N2). The appeal site was included in the red line of the permissions and has been laid out as an attractive area of landscaping at the entrance to the estate.
4. The appellant contends that the site has not been purposefully landscaped but has become overgrown with shrubs spreading out from nearby properties. This assertion lacks credibility given the mix of trees and shrubs on the site, the spacing between plants, and the fact that many of the shrubs have nursery labels attached. The landscaping plan approved by the Council on 6 April 2010,¹ in discharging condition 4 (detailed landscaping scheme) of the 2009 planning permission, includes the appeal site as part of the developer's landscaping scheme. It shows full details, including species and density of planting, of the soft planting proposed on this plot of land.
5. There is, therefore, no room for doubt that the appeal site was included in the approved landscaping scheme and has been landscaped as part of that development. It is also apparent that the landscaping has been regularly maintained since it was planted. The appellant argues that this plot was not

¹ Countryside Properties Plan Ref DFD/GORT/L1 rev E

intended to form an attractive, landscaped entrance to the estate. Nevertheless, in combination with the front gardens to the new houses facing Constable Street, it does now fulfil that role very successfully. This area of landscaping complements the generally open feel of the estate created by the front gardens on the north side of Butterson Drive and the opening out of the street into a small cul-de-sac development on the south side.

6. The appeal site includes a larger number and wider range of trees and shrubs than can be seen in the rest of the street. However, the hedge planting on its frontage to Constable Street, and on the narrowest part of the site on its Butterson Drive frontage, is mirrored within the front boundary treatments to Nos. 11 and 15 Constable Street on the opposite side of the junction. This treatment is also repeated along the front boundaries of Nos. 4-16 (evens) Butterson Drive and within the landscaped margins at the back of pavement on the south side of the street. In my judgement, the landscaping on the site complements the layout and design of the estate and makes a strong positive contribution to the character and appearance of the Butterson Drive development. That contribution is likely to increase as the trees on the site continue to mature.
7. The development of the site as proposed would result in the loss of that communal landscaped area and would significantly reduce the open feel of the entrance to Butterson Drive from Constable Street. The loss of that attractive landscaping and reduction in the sense of spaciousness at that entrance would also be experienced in views from Butterson Drive, looking east towards Constable Street.
8. The brick skin to the exposed gable of No. 7 Constable Street suggests that the appeal site was, at some time, occupied by a dwelling that formed a continuation of the terrace that now comprises Nos 1-7. The appeal scheme has been designed to follow the eaves and ridge line of those properties but would be set back from the building line of the terrace. Although of a similar scale, the ground floor bay window proposed would not reinstate the original pairing with that of No.7, and the size and layout of the upper floor windows would not be consistent with those in the existing terrace. The number and size of the windows in the Butterson Drive elevation would not be in keeping with the design of most other houses occupying corner plots along Constable Street or those on the new estate.
9. I do not consider that the proposed design would successfully turn the corner between Constable Street and Butterson Drive. Rather, the proposed dwelling would appear as an odd and somewhat incongruous addition to the street scene in both streets. Taken together with the loss of the attractively landscaped area and sense of openness at the entrance to the estate, this would result in a significant adverse effect on the character and appearance of the site and its surroundings. I find that the proposal conflicts with Policy DM1 of the Manchester Core Strategy, which requires that development proposals should have regard to the character of the area and their effect on landscape. It also conflicts with SP1 which places an emphasis on the creation of neighbourhoods of choice within a distinct environment.

Other Matters

10. It was apparent on my site visit that the landscaping on the site has been regularly maintained. The third party representations indicate that some householders within the estate believe that this has been funded using part of the service charges they pay for maintenance of the common areas. In his final comments submission, the appellant encloses a copy of the standard lease terms on which the new houses have been sold. This include a clause stating that leaseholders shall not prevent the landlord from further developing the estate. However, the plan attached to that lease annotates the appeal site as private open space. It gives no indication to those entering into the lease that this parcel of land is intended for future development.
11. In any event, the private ownership of the land does not diminish the important role that it plays as an attractive landscaped entrance to the estate or its value in visual amenity terms. Neither does it modify the harm that would be caused by its development as proposed in the appeal.
12. The addition of a single dwelling would have some, limited benefit in terms of adding to the supply and choice of homes in this part of Manchester. This would not outweigh either the harm to the character and appearance of the area or the conflict with the development plan that would result from the proposal.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR