



Appeal Decision

Site Visit made on 16 February 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2021

Appeal Ref: APP/B4215/W/20/3260701

Land to the rear of 40-50 Belgrave Road, MANCHESTER, M40 3ST

- 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 Dave Garrity against the decision of Manchester City Council.
 - The application Ref 127493/FO/2020, dated 16 July 2020, was refused by notice dated 30 September 2020.
 - The development proposed is the erection of a detached bungalow with associated landscaping, car parking and boundary treatment.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the proposal on:
 - i) the character and appearance of the area; and
 - ii) the living conditions of neighbouring occupiers, with particular regard to noise, disturbance and privacy.

Reasons

Character and appearance

3. The Council has confirmed that the appeal site falls within the Moston Brook River Valley, a steep sided area of woodland with footpaths running through it, which lies to the rear of properties on Belgrave Road. The upper part of the appeal site, where the proposed bungalow would be constructed, is formed of a level platform above the river valley, and is surrounded by mature and semi mature trees, both around the edges of the site itself and within neighbouring gardens. Beyond this top section, the site slopes steeply down as far as the brook, and is semi-natural and wooded in character.
4. The upper part of the site is currently in an unkempt state, and whilst there is some evidence of former hardstanding, this has blended into the site over time to a significant extent, and there are no obvious signs of any former buildings or structures. As such, the site does not constitute previously developed land, as defined in the glossary of the National Planning Policy Framework (the Framework).
5. Other than the boundary fences at the rear of the adjacent houses, there are no obvious physical boundaries to the site, which is indistinguishable from the wider area of woodland. Although the site is not publicly accessible, it forms

part of the wider semi-natural landscape and contributes positively to the Moston Brook River Valley, which provides a place for local residents to exercise and appreciate the natural environment.

6. Due to the steep topography and wooded nature of the site, the proposed bungalow would not be readily visible from the footpaths through the river valley. However, the lower section of the site forms an intrinsic part of the open space and can be clearly seen from the path below the site. It is unclear from the information provided how the proposed development, including its wider curtilage, would respond to the significant level changes on the site. The extent to which the garden area would intrude into the existing woodland, and be visible from the footpaths below, is also uncertain.
7. It is clear from comments made by local residents that the wooded area behind the houses on Belgrave Road is highly valued, together with the wildlife it supports. I note the appellant's comment that trees surrounding the site are to be retained and supplemented with new landscaping. However, explanation is lacking as to how the proposal would relate to, and protect, existing trees, and details of additional planting are sketchy. Furthermore, even if trees are retained initially, there would be nothing to prevent future residents of the proposed bungalow from clearing trees around the site, eroding its woodland character.
8. There is significant uncertainty about the effect of the proposed development on the surrounding trees and woodland. As a result, I am unable to conclude that the appeal proposal, including the creation of a garden area with associated boundary fences and domestic paraphernalia, would not cause significant harm to the semi-natural character and associated recreational value of the Moston Brook River Valley.
9. In the vicinity of the appeal site, Belgrave Road is characterised by blocks of terraced houses with fairly narrow frontages, which are set back from the street behind short front gardens. Properties along the street have a strong and consistent building line.
10. The appeal site is accessed via an unmade track between the New Moston Inn and 50 Belgrave Road (No 50). The proposed development would be a form of backland development, located behind two existing blocks of terraced houses. Unlike the vast majority of properties in the area, it would not have an active street frontage. The proposed bungalow would not be visible from the road, but it could be seen from surrounding properties, from which it would appear as an alien form of development, at odds with the prevailing character of the area.
11. I acknowledge that the site is adjacent to another block of houses to the rear of properties on Belgrave Road. However, that is an isolated example of backland style development, that resulted from the conversion of a building which had previously been in commercial use, and which does not reflect the strongly linear character of development in the area.
12. Along the length of Belgrave Road there is considerable variation in the age, style and type of houses, including a small number of bungalows. However, the predominant form of development is terraced houses which are largely consistent in height, and have no off street parking. The proposed bungalow, which would have a wide frontage with a protruding front element and attached

- side garage, would appear significantly different. Despite the proposed use of materials to reflect the local architectural style, the design and form of the property would fail to respect the character of the surrounding area.
13. The upper part of the site is rubbish strewn which is visually unattractive, but this could be overcome by clearing the site, and does not justify the proposed harmful development.
 14. I conclude that the proposal would cause harm to the character and appearance of the area. It would conflict with Saved Policy BM4 of the Unitary Development Plan 1995 (UDP), and Policies EN9 and EN10 of the Manchester Core Strategy 2012 (Core Strategy), which seek to maintain and enhance the Moston Brook River Valley as a recreational open space, recognising the multiple functions of the space as green infrastructure. There is further conflict with Core Strategy Policies H1 and DM1, which requires that development has regard to its impact on the character of the surrounding area and effects on green infrastructure, and Policy EN1 concerning the need for development to respond to underlying topography created by the balance between built form and the tree covered landscape.
 15. In addition, the proposal would fail to comply with Saved UDP Policy DC6.1 and criteria c) and e) of DC6.2, which restrict backland development unless its scale and design is compatible with the character of buildings in the surrounding area; and it does not result in the loss of natural features of high amenity value. Conflict also exists with Core Strategy Policy SP1, which requires development to make a positive contribution to neighbourhoods of choice and protect and enhance the natural environment.
 16. There is further conflict with the recommendations on design in section 2 of the Guide to Development in Manchester SPD (2007), including the need for buildings to present their main face to the adjacent main street; respect their setting and relationship to adjacent buildings, and recognise the common building line. Conflict also exists with the Residential Guidance (2016), which require that proposals incorporate landscape, including responding to Manchester's topography, its valleys and plains.
 17. The Council has also referred to Saved UDP Policy DC1.1, but this relates to residential extensions so is not directly applicable to the appeal proposal.

Living conditions

18. The proposed dwelling would be accessed via an existing gated track, which runs alongside the New Moston Inn and provides rear access to the adjacent terrace (46–50 Belgrave Road). The close proximity of the track to the side elevation of No. 50 means that the traffic associated with the proposal would cause some additional disturbance to the occupiers of that property. However, but the number of vehicle movements associated with a single bungalow are likely to be low, so the impact would not be unduly harmful.
19. The access track leads to an area at the rear of 46–50 Belgrave Road, which at the time of my visit was being used for bin storage. This space provides a degree of separation between the proposed parking area and the rear gardens of 46–50 Belgrave Road. This separation would help to limit the impact of vehicles turning within the site on those adjacent properties.

20. The rear gardens of 40-44 Belgrave Road back directly onto the site, but the parking area would be located away from these properties, limiting disturbance from vehicles. Existing and proposed vegetation along the shared boundary with 40-44 Belgrave Road would help to minimise loss of privacy to the rear gardens of those properties, and the low form of the proposed development, together with the degree of separation would limit overlooking.
21. The currently unused nature of the wooded site means that occupiers of the two adjoining terraces are accustomed to having a quiet and peaceful area at the back of their houses. I acknowledge that activity in and around the proposed house and outdoor areas has the potential to cause some additional noise and disturbance. However, the modest scale of the proposal development, and the layout of the site in relation to surrounding properties, would mean that the extent of such disturbance is unlikely to be excessive, and the level of harm caused would be low.
22. I conclude that the proposal would not cause undue harm to the living conditions of neighbouring occupiers, with particular regard to noise, disturbance and privacy. Consequently, there would be no conflict with Saved UDP Policies DC6.1 and criteria a) and b) of DC6.2, which restrict proposals involving backland development unless there would be no loss of privacy to adjoining dwellings; and associated rear gardens and access and parking arrangements would not significantly increase noise and disturbance. The proposal would also be consistent with Core Strategy Policy DM1, which requires that development should have regard to effects on amenity.

Other Matters

23. The proposal would not cause undue harm to the living conditions of neighbouring occupiers, and would provide an additional dwelling in a sustainable location. However, these matters are insufficient to overcome the significant harm to the character and appearance of the area which I have identified.

Conclusion

24. The proposal conflicts with the development plan as a whole and there are no other material considerations which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

R Morgan

INSPECTOR