
Appeal Decision

Site visit made on 23 March 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 April 2021

Appeal Ref: APP/B4215/W/20/3261680

Agalia Gardens, Manchester M20 2PZ

- 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 Danny Molloy of Agalia Gardens Residents against the decision of Manchester City Council.
 - The application Ref 127025/FO/2020, dated 5 June 2020, was refused by notice dated 4 August 2020.
 - The development proposed is the erection of access-controlled entrance gates to residential development.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of access-controlled entrance gates to residential development at Agalia Gardens, Manchester M20 2PZ in accordance with the terms of the application, Ref 127025/FO/2020, dated 5 June 2020 subject to the following conditions:
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20 007_00_001; 20 007_01_001; 20 007_01_002; 20007_02_001A and 20007_02_002A.
 - 3) Prior to the first use of the development hereby approved, a detailed servicing strategy (including refuse collection) shall be first submitted to and approved in writing by the City Council as Local Planning Authority. The approved servicing strategy shall then be fully implemented upon first use and operation of the development, then retained and maintained for the life of the development.
 - 4) The gates hereby approved shall be left unlocked during the day between the hours of 08:30hrs to 18:30hrs.
 - 5) The materials to be used in the external surfaces of the development shall match those used in the adjacent boundary treatment on the original residential development at 93a Old Lansdowne Road.

Procedural Matter

2. Whilst not cited on the Council's decision notice, references to Policy EN3 of the Manchester Core Strategy, 2012 (CS) and Saved Policy DC18 of the Unitary Development Plan for the City of Manchester, 1995 (UDP) have been referenced and provided within the Council's submission, which relate to

Heritage/Conservation areas respectively. As the appellant has had the opportunity to comment on these policies, I will not prejudice any party in taking these above policies into consideration in the determination of this appeal. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

4. Agalia Gardens is a private cul-de-sac, comprising 9no. detached and semi-detached town houses. No's 93a and 93b Old Lansdowne Road form part of the original development, but face Old Lansdown Road with direct access onto it. Additionally, both properties are located an appreciable distance from the street, set behind brick walls and pillars, with metal railings above and gated driveways. The site is located within the southern section of the Albert Park Conservation Area (APCA), where I find its significance is derived largely from its Victorian and Edwardian properties and the presence of a significant number of mature trees.
5. CS Policy SP1 seeks to create neighbourhoods of choice by creating well designed places that enhance or create character and protect and enhance the built and natural environment, and CS Policy DM1 requires all development to have regard to the character of the surrounding area and to community safety and crime prevention, amongst other things.
6. The front section of Agalia Gardens adjoining Old Lansdowne Road comprises tarmac and would appear to be adopted, as double yellow lines have been installed. The residential development behind this section of road is then open plan in form with complimentary blockwork forming the road, pavement and driveway surfaces. However, these details are not apparent in the wider street scene due to the enclosed nature of the development.
7. In this instance, the proposed development seeks permission for the introduction of gates at the main entrance of the cul-de-sac, albeit set back from the junction with Old Lansdowne Road. The Council contends that the introduction of gates at the entrance of the site would create the impression of a gated community and would be detrimental to social cohesion, failing to enliven the development. Conversely, the appellant asserts that the erection of the gates would improve security and control car parking on the road and that the proposal accords with local policy. In support of this assertion the appellant has drawn my attention to a number of developments in the locality which it is suggested have similar security arrangements, which I have had regard towards as a material consideration.
8. With regard to the impact of the proposed development on the character and appearance of the area, I am mindful that the appeal site is not currently accessed via gates, but it is nonetheless, a private road enclosed on all sides by development, with no through route. In addition, I noted at my site visit that there were other residential developments in the surrounding area which were enclosed, in part, by gates. Due to the location of the appeal site within the APCA, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, in accordance

with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I consider the proposed development accords with this duty.

9. Notwithstanding this, I recognise that the design of the proposed development, which would include the creation of a pedestrian and vehicular access, would still provide visual and social integration between the existing residential developments, especially if they were to be open during the day as suggested by the appellant. Whilst I note the concerns that have been expressed by the Council, I do not consider that the inclusion of gates at the entrance of Agalia Gardens, subject to a condition ensuring the gates to be open during the day, would materially alter the level of integration between the development and its surroundings or have an adverse effect on the character and appearance of the APCA. In reaching this conclusion, I have taken into account all of the comments received from interested parties, including those from West Didsbury Residents Association.
10. For the reasons given above, I conclude that the proposed development would not be harmful to the character and appearance of the appeal site and surrounding APCA. This would comply with the heritage, design, character and appearance aims of CS Policies SP1, DM1, EN3, UDP Policy DC18 and the guidance contained within the Council's Guide to Development in Manchester Supplementary Planning Document and Planning 2007. Furthermore, the proposed development would conserve the heritage asset in a manner appropriate to its significance in line with the National Planning Policy Framework. Hence, there is no requirement for me to consider public benefits to be weighed in a balancing exercise.

Conditions

11. The Council has suggested conditions which I have considered, making amendments and minor corrections, where necessary, to ensure clarity and compliance with the tests contained within Paragraph 55 of the Framework and the Planning Practice Guidance (PPG).
12. In addition to the standard time limit, a condition specifying the plans is necessary for the avoidance of doubt and in the interests of proper planning. A servicing strategy for Agalia Gardens is reasonable and necessary to ensure that there are no adverse effects on existing arrangements for the collection of waste, character and appearance and highway safety. A condition requiring the gates to be open during the day is reasonable and necessary in ensuring that the residential development is accessible throughout the day and the character of the area. Finally, a condition requiring matching materials to the original development is needed in the interests of the appearance of the development.

Conclusion

13. Taking all matters into consideration, I conclude that the appeal should succeed.

W Johnson

INSPECTOR