

Appeal Decision

Site visit made on 5 May 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/B4215/D/21/3268854

16 Sylvandale Avenue, Manchester M19 2FB

- 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 Neil Fallon against the decision of Manchester City Council.
 - The application Ref 123165/FH/2019, dated 19 March 2019, was refused by notice dated 25 November 2020.
 - The development proposed is described as 'Take down an existing garden wall and relocate the wall circa 4M to incorporate an adjacent grass verge. The works will include the demolition of an existing prefabricated garage'.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Notwithstanding the description of development which is taken from the application form, a more precise description is that provided in the decision notice and the appeal form as 'installation of a new 900mm to 1.8m high boundary wall around existing grass verge to Motherwell Avenue and installation of a 1.8m high timber fence to rear boundary following the removal of the existing garden wall and the demolition of existing garage'. The Council dealt with the proposal on this basis and so shall I. It is however noted that the appellant has offered to reduce the height of the wall thus this matter is addressed below.
4. The appeal form notes that the site address is Sylvandale Road whereas the application form and decision notice state Sylvandale Avenue. Based on all the evidence before me, it is clear that Sylvandale Avenue is the correct address. I have considered the appeal accordingly.

Main Issue

5. Whether the proposal would preserve or enhance the character or appearance of the Rushford Park Conservation Area.

Reasons for the Recommendation

6. The appeal site includes a two-storey semi-detached dwelling located on the corner of Sylvandale Avenue with Motherwell Avenue. It is located within the

Rushford Park Conservation Area (the CA) whose significance appears to be partly derived from the historic properties and the abundance of mature tree-planting both along the pavements and within private gardens which gives the area a spacious feel.

7. There is a grass verge adjacent to the appeal dwelling, which is of a generous width and runs the length of Motherwell Avenue to Park Avenue. As such, it makes a positive contribution to the wide, open and spacious street scene and verdant characteristics of the CA.
8. By enveloping the grass verge into the appeal site, it would not be readily visible from the public realm and would therefore no longer contribute positively to the street scene. The proposed boundary would project well beyond the established and consistent side boundary line of the appeal property and 15 Park Avenue. This would appear at odds with the adjacent open section of grass verge which would remain, and the resultant street scene would feel significantly less spacious. The proposal would therefore read as a highly prominent visual intrusion that would erode the sense of openness along Motherwell Avenue thus failing to reflect the landscape and spacious characteristics of the locality.
9. I acknowledge that the design and height of the lower section of the proposal would be in keeping with the existing wall and those in the wider area. Furthermore, the appellant is willing to reduce the height of the taller section and would include planting along its length. Irrespective of its height, it would nevertheless remain that the siting of the wall beyond the established boundary line would result in the loss of valuable open space in the street scene and I am not convinced that introducing planting would be a sufficient measure to soften the visual effect of the boundary treatment or address the loss of openness.
10. The appellant has suggested that, under permitted development rights, a boundary wall could be erected in the same position as the appeal proposal albeit at a lower height. There is no convincing evidence before me to indicate that there is a realistic fallback thus, I give this suggestion limited weight.
11. Reference has been made to previous planning approvals however, from the descriptions provided, it appears that the proposal at 19 Sylvandale Avenue is the only one of relevance to this appeal. I observed the wall at No 19 at the time of my site visit and note that it is located adjacent to a cul-de-sac. As such, unlike the appeal proposal, the area which is enclosed does not significantly contribute to the open characteristics of the CA as it is not overly prominent in the street scene.
12. Therefore, taking all the above into consideration, this proposal would neither preserve or enhance the character or appearance of the CA. In terms of the approach set out in the National Planning Policy Framework (the Framework), the proposal would cause less than substantial harm to the CA's significance as a designated heritage asset. The Framework is clear that irrespective of the level of harm, great weight should be given to the asset's conservation and, where a development proposal would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal.
13. It is suggested that the proposal would tidy up and integrate the grass verge which is eroded and an eyesore. Additionally, the proposal includes the

demolition of a garage which is described as unsightly. At the time of my site visit neither the grass verge nor the garage appeared to be in a poor condition. As noted, the grass verge contributes positively to the street scene and there is nothing conclusive before me to suggest that the garage could not be removed without the proposed development. I am not therefore convinced that these are public benefits.

14. The proposal would provide additional off-street parking for the appellant which they suggest would increase the availability of on-street parking for neighbours. There is no compelling evidence to suggest that there are any parking or highway safety concerns in the locality. As such, this would be a solely private benefit.
15. It is suggested that the proposed wider vehicular access would give the impression of open space. However, its purpose is to provide increased off-street parking thus, when vehicles are parked in this space, it would not appear open. As such, this does not amount to a public benefit.
16. Therefore, I consider that there are no demonstrable public benefits that would outweigh the identified harm to the significance of the CA, which carries great weight. Accordingly, this proposal would neither preserve or enhance the character or appearance of the CA and would be in conflict with policies EN1, EN3, DM1 and SP1 of the Manchester Core Strategy, Development Plan Document (July 2012), saved policies DC1 and DC18 of The Manchester Plan, The Unitary Development Plan for the City of Manchester (July 1995) and the Framework. Whilst varying slightly in their wording, collectively these policies seek to ensure developments have regard to and reinforce the character of the area and preserve or enhance the historic environment.

Other Matter

17. The appellant has referred to several paragraphs of the 'LDF' but has not specified what document this refers to nor provided me with a copy. I cannot therefore determine its relevance to this appeal.

Conclusion and Recommendation

18. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR