



Appeal Decision

Site Visit made on 8 June 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021

Appeal Ref: APP/B4215/W/21/3266230

123 Barlow Moor Road, Manchester M20 2TS

- 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 Marco Investments against the decision of Manchester City Council.
 - The application Ref 126591/FO/2020, dated 20 March 2020, was refused by notice dated 4 November 2020.
 - The development proposed was originally described as 'Demolition of existing building, and redevelopment with a 3-storey block of 9 x 2-bedroom apartments and 3 x 1-bedroom apartments with 12 space car parking on frontage, amenity space in the form of balconies and access to communal area.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal represents a suitable location for flatted accommodation;
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of neighbouring occupants, with particular regard to overlooking and privacy; outlook and sense of enclosure; and noise and disturbance.

Reasons

Location

3. Policy H1 of the Core Strategy Development Plan Document 2012-2027 (July 2012) (the CS) sets out the overall housing strategy for the city, with the distribution and mix of housing for each area depending on several factors, including creating mixed communities, using previously developed sites where available, prioritising sites close to public transport routes and designing development to give privacy to both residents and neighbours.
4. Policy H6 specifies that South Manchester is expected to accommodate around 5% of new residential development over the life of the CS, with high density development supported only in named district centres. Outside of district centres, the priority is to provide housing to meet identified shortfalls, including family-sized dwellings, homes for elderly people and affordable housing. Policy H1 clarifies that 'high density' means over 75 units per hectare. The proposed

would constitute high density development as it seeks 12 units on a site of 0.11 hectares, which equates to 109 units per hectare.

5. The appeal site does not lie within a district centre as defined under the development plan, the nearest being Didsbury around 600 metres to the east along Barlow Moor Road. The surroundings in the main comprise large detached properties on generous plots, some of which are indicated to have been converted to flats in the past. The proposed high density development would not be prioritised in this location under Policy H6, unless shown to address an identified form of housing for which there is a shortfall. The proposal would not include affordable housing, nor is it indicated that the development is aimed at meeting the needs of elderly occupants.
6. The appellant argues that the two-bedroom apartments would meet the Nationally Described Space Standard for four occupants, and could therefore be regarded as family-sized accommodation. I am not provided with a definition of 'family housing' for the purposes of Policy H6, but it is commonly taken to mean units of three-bedrooms and above. Moreover, family housing would be expected to include functional external space for occupants to use for recreation, storage, drying clothes etc. However, the only private external space would be small balconies, which may suit individuals or couples, but would be insufficient for families with children, and would be a safety risk on upper floors. On the evidence before me, I do not regard the proposed flats as providing family housing that would address an identified need within the city.
7. The appellant refers to a number of other developments which it is argued are comparable in location and type to the appeal scheme, but which have been assessed differently by the Council and obtained planning permission. I am not provided with full details of these schemes to understand the particular site circumstances and material considerations which were before the Council in each case, and therefore I am unable to draw direct comparison with the appeal scheme. However, I note the Council's point that some of these sites are much larger in scale and more strategic in terms of housing delivery, and others involved conversion schemes. Ultimately, I do not regard these other schemes as determinative of the proposal before me, which I have considered on its own planning merits.
8. Moreover, it is common ground between the parties that the Council can demonstrate sufficient deliverable sites to meet its housing need, with supply calculated by the appellant at 6.25 years for sites with planning permission and 8.46 years when other sites are included. Therefore, whilst the provision of residential units would assist in meeting the Council's housing targets, they are not required to meet an overall shortfall in supply.
9. In summary, I accept that the wording of Policy H6 does not wholly resist high density flatted developments outside of district centres, and I recognise that the proposal would make use of a brownfield site; however, the thrust of the policy is clear in seeking to meet particular housing needs in such locations. On the evidence before me, the proposal for one- and two-bedroom market flats would not address an identified housing need, and therefore would conflict with the overall housing strategy as expressed by Policies H1 and H6 of the CS.

Character and Appearance

10. The appeal site is a rectangular site containing a bungalow used until 2017 as a specialist care home. The wider site contains a large outbuilding to the rear, hardstanding to the front, side and rear of the dwelling and soft landscaping elsewhere. Notably, the site is enclosed to one side and at the rear by tall mature trees standing in the adjacent properties.
11. To the west, the site adjoins the rear of large, detached dwellings on Palatine Road. To the east is Broomfield Court, a large retirement housing complex arranged in a C-shape over three stories with soft landscaped grounds adjacent to the appeal site. Beyond this is a further apartment block, Victoria Grange, also for retirement living. These buildings are somewhat at odds with the prevailing character along Barlow Moor Road, which I saw to be large, detached period dwellings in spacious, leafy grounds. However, they respect the character of the area and pattern of development through the use of characteristic red brick, the inclusion of pitched roofs and gables, their positioning along the same general building line, and the prevalence of trees and other soft landscaping within their grounds.
12. In contrast, the proposed building would be contemporary in its architecture. It would stand three storeys with a flat roof and overall box shape, which would fail to reflect the form and style of surrounding development. In terms of scale, the flat roof would stand lower than the main roof ridge of Broomfield Court, but taller than its eaves level. On the other side, the proposed building would have a similar overall height to that of the dwellings on Palatine Road; however, there would be a stark contrast in their respective eaves height and massing at the upper level. The existing dwellings have lower eaves heights and hipped or pitched roofs that limit the massing to the uppermost parts, whereas the proposed building, given its shape, would have a tall shoulder height level with the main ridge of No 195, and the whole of the top storey would stand clearly above the eaves height of the adjacent dwelling. Furthermore, the proposed use of buff brick and extensive timber panelling would conflict sharply with the general palette of materials within the immediate area. This disparity in scale, bulk and materials would result in the proposed building having an imposing and strident presence in the street scene when viewed against the adjacent dwellings.
13. The building would also extend a significant distance back into the site, with the resulting side elevation forming an imposing wall of development immediately to the rear of the dwellings on Palatine Road. This intrusive scale would be observable between the dwellings in views from Palatine Road. Moreover, the present vista from Nos 195-199 across a largely open site and taking in the dense tree growth around the site, would be replaced by a very large, solid side elevation that would wholly alter the character of the site and would fail to reflect the generous, verdant plots which typify the area.
14. The proposed unit would also sit behind the general building line of the street, with an extensive area of forecourt parking proposed that would contrast with the adjacent apartment complexes that concentrate parking to the side and rear and retain soft landscaped areas to the front. Indeed, despite having a similar site coverage to the adjacent apartment buildings, the large parking area and elongated shape of the building mean the only external amenity space would be narrow strips to the eastern side and at the rear. To the western side,

the building would stand close to the side boundary allowing room only for a pedestrian access. I also note that the building would be closed to, if not touching, the crown spread of existing trees, which may lead to pressure for them to be pruned or removed in future. This particular layout with limited areas for landscaping would be at odds with the verdant surroundings of nearby properties, and would add to the impression of the development being excessive in size and squeezed onto the site in a cramped manner.

15. Taking these factors together, I conclude that the proposed development would significantly harm the character and appearance of the area. Consequently, the proposal would conflict with Policies SP1 and DM1 of the CS, which together require development to create well designed places that are appropriate in terms of siting, scale, form, massing, materials and detailing, and that have regard to the character of the surrounding area.

Neighbours' living conditions

16. The aforementioned size of the building would result in a substantial, solid wall of development immediately to the rear of dwellings on Palatine Road. Whilst Nos 197 and 199 have sizable outbuildings and some trees to the rear of their gardens, the proposed building would tower over these and form an imposing and oppressive backdrop to these dwellings. Notwithstanding the appellant's argument that the proposed materials would provide visual interest, the vista from the rear windows and gardens of these dwellings would be irrevocably altered from a relatively open, leafy plot consistent with the area to an expansive, solid wall of at least 9 metres high and 36 metres long. Given the scale and proximity of the proposed development, neighbouring occupants would suffer a significant and harmful loss of outlook and increased sense of enclosure both when inside the dwellings and within the rear gardens.
17. Moreover, the location of the building to the east and south-east of these dwellings would result in a harmful loss of sunlight and daylight to the rear windows and gardens that would severely undermine neighbours' enjoyment of their properties.
18. The Council further cites the potential for overlooking from the windows in the western elevation of the building. The appellant points out that these windows would only serve access corridors and not the flats themselves. Nevertheless, they would provide the opportunity to overlook the gardens of the adjacent dwellings at Nos 195-199 and their looming presence directly above the rear boundary walls would deliver a constant perception of overlooking for neighbouring occupants. This impact would be exacerbated at night when the windows are illuminated.
19. Although not referred to directly by the Council, I also share the concerns of interested parties that the eastern elevation of the building would face the windows and communal garden area of Broomfield Court at close range. Although the existing trees along the boundary provide some screening, I saw there are views possible into the neighbouring property. The western elevation would contain a total of 6 balconies and 10 floor-to-ceiling windows across the first and second floor levels. Such an extent of viewpoints directly facing the neighbouring property would create the potential for significant overlooking and harmful loss of privacy for occupants of Broomfield Court.

20. Twelve apartments would be a considerably more intensive form of development than the previous five-bedroom care home. I accept that residential uses are unlikely to generate constant noise as might a commercial or industrial use; however, there would be a significant increase in the number of residents, cars, visitors, deliveries and comings and goings in general. I also note the location of cycle and bin storage directly on the boundary with Nos 195-199. This intensification in the use of the site would increase the likelihood of noise and disturbance which would be to the detriment of neighbouring occupants. Moreover, the proliferation of balconies would be a significant source of potential noise from occupants gathering, conversing and playing music which would be detrimental to the occupants of Broomfield Court.
21. Taking these considerations together, I conclude that the proposal would significantly harm the living conditions of neighbouring occupants of 195-199 Palatine Road and Broomfield Court, in conflict with Policy DM1 of the CS, which requires development to have regard to the effects on amenity, including privacy, light, noise and traffic generation.

Other Matters

External Space

22. The Council refers in its reasons for refusal to a lack of private amenity space, but does so in respect of the character and appearance of the area. The Council nevertheless points in its Statement of Case to the lack of functional outdoor space for occupants of the flats, which would comprise a narrow strip to the eastern side and a small area at the rear. Both areas would be heavily secluded by the building itself and the tall tree cover surrounding the site. The area to the side may also prove impractical to use as it would compromise the privacy of occupants of the ground floor flats given their windows/verandas would be immediately adjacent to this space.
23. However, each of the flats would be provided with a balcony/veranda, and the appellant points to the availability of public parks nearby. Whilst I understand the Council's concerns with the level of external space provided relative to the size of the building, I am satisfied that the flats would still provide an acceptable standard of accommodation for future occupants, and this is not a matter that weighs further against the proposal.

Effect on Conservation Area

24. I understand that properties across Barlow Moor Road from the appeal site lie within the Blackburn Park Conservation Area. The Council has not made a finding of harm to the setting of the conservation area and I have limited information as to its particular heritage significance; however I note the conservation area encompasses a compact area predominated by large, historic dwellings on generous, sylvan plots. Despite the harm to character and appearance I have found above, the proposed building would be read mainly in context with the development on the southern side of Barlow Moor Road and that around the junction with Palatine Road and, on the evidence before me, I am satisfied that the proposal would not cause demonstrable harm to the setting of the conservation area.

Other Issues

25. I note the appellant's argument that the number of flats proposed reflects a concern that developing the site as individual dwellings would not be financially viable. However, I have no detailed information in respect of the viability of this or any alternative proposal for the site, and therefore I cannot be certain that twelve flats is the minimum number at which the scheme would be viable. As such, I afford only limited weight to this argument.
26. The Council did not ultimately oppose the proposal in terms of parking provision, highway safety or trees. I have no firm evidence to conclude otherwise, but an absence of harm in these respects means these are neutral factors weighing neither for nor against the proposal.
27. I have had regard to other concerns raised by interested parties, beyond those already addressed. However, none of these raise matters of such significance as to attract further positive or negative weight to be factored into the planning balance, and therefore I do not address them in further detail.

Planning Balance

28. The proposal would provide twelve additional residential units for the City's housing stock. This would be in line with the National Planning Policy Framework (the Framework) aims of boosting the supply of housing. However, in view of the Council's healthy housing supply position, these dwellings would not be essential to meeting housing targets. Nonetheless, the additional housing is still a benefit which merits moderate weight in favour of the proposal.
29. The scheme would also lead to demonstrable, but time-limited, economic benefits during the construction phase, which may give rise to extra local employment. There would also be future expenditure by occupants in the local area. These benefits also attract moderate weight.
30. There would be limited environmental benefits from the location of the site close to public transport. The proposal would make use of a brownfield site, but given the harm identified the character and appearance of the area and the living conditions of neighbouring occupants, the proposal would not accord with the Framework aim of making efficient use of land.
31. In my judgment, the benefits of the proposal, taken together, would not amount to material considerations which would outweigh the several identified conflicts with the development plan, to which I afford significant weight, and they would not justify a decision being made other than in accordance with the development plan, taken as a whole.

Conclusion

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

K Savage

INSPECTOR