



Appeal Decision

Site Visit made on 22 June 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2021

Appeal Ref: APP/B4215/W/21/3271347

1046 Stockport Road, Manchester M19 3WX

- 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 Ms G Padwa (Gateclay Properties Limited) against the decision of Manchester City Council.
 - The application Ref 128744/FO/2020, dated 25 November 2020, was refused by notice dated 27 January 2021.
 - The development proposed is the construction of a two storey office building to rear of No. 1046 Stockport Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was submitted, the revised National Planning Policy Framework (Framework) came into force on 20 July 2021. I have taken this into consideration in determining this appeal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area,
 - the living conditions of the occupiers of 1046 and 1048 Stockport Road with regard to outlook, privacy and noise and disturbance; and
 - highway safety.

Reasons

Character and Appearance

4. The appeal site is located to the rear of No. 1046 Stockport Road and accessed from Kevin Street. The surrounding area derives its character from the range of retail, commercial and residential uses, although the built form mainly comprises of terraced buildings situated close to the highway or positioned a short distance back from it. The prevailing built form is generally two and three storeys in height, although to the rear of the main section of buildings these are usually single storey elements.

5. My attention has been drawn to a previous recent appeal decision¹ on this site, which granted planning permission for the construction of a single storey office building. This proposal however consists of a largely two storey development, unlike the previous scheme. Although reference has been made to buildings of a similar scale on the opposite side of Kevin Street, I was able to see that the opposing property had a single storey form, behind the main two storey section fronting Stockport Road. The increased height of the proposal compared to the previous approval, despite the setback at first floor level, would not maintain a subservient appearance to No. 1046 which faces Stockport Road. It would not reflect the character of the area which consists of more subservient elements behind the main 2 or 3 storey parts of buildings that front Stockport Road.
6. The Council have identified concerns on the materials and elevational form of the building proposed, but I was able to see at the time of my visit in the vicinity of the site, the use of render as facing material and variations in the fenestration of buildings. As a result, I consider that the detailed elements of the proposal would be acceptable, and I note the proposed design at ground floor is similar to that allowed on the previous appeal.
7. I acknowledge the Inspector referred to the secluded position of the site in considering the previous scheme, but the taller two storey proposal that is before me, would be evidently more visible from Stockport Road. It would appear as an incongruous form of overdevelopment.
8. I therefore conclude that the development would be detrimental to the character and appearance of the area. As such, it would be contrary to Policies SP 1, EN 1 and DM 1 of Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 2012) (Core Strategy), which seek, amongst other matters, to create well designed places that enhance or create character and for development to have regard to the character of the surrounding area. It would also be contrary to paragraph 130 of the recently revised Framework, which requires, amongst other matters, development that is sympathetic to local character.

Living Conditions

9. The proposal is for a two-storey scheme and would provide an additional office space at first floor level, in addition to the previously permitted ground floor office. Although, this would allow for increased occupancy and usage, the proposal would still comprise of a modestly sized office. Having regard to the limited additional floorspace over the approved scheme and the small increase in staffing levels referenced by the Council, I do not consider this activity would cause harmful levels of noise and disturbance to occupants of neighbouring properties including by traffic generated by the proposal.
10. I was able to see the close relationship between the appeal proposal and the rear of No. 1046 at the time of my visit. Despite this close proximity, given the width of the proposal and the open outlook from the rear of No. 1046 to either side of the proposed building, I do not consider that the proposal would cause any significant harm to the outlook from the rear of this neighbouring property, or the other neighbouring residential building, No. 1048, which is offset to one side from the proposal.

¹ Ref: APP/B4215/W/18/3196589

11. The development would result in a two-storey wall on the boundary of the appeal site with No. 1048. This neighbouring property though has a long rear garden, and the proposed two storey element of the building would only extend across a relatively limited length of it. I do not therefore find that the development would have an unduly detrimental overbearing impact on the users of No. 1048's garden.
12. Although reference has been made to privacy harm in the decision notice, no further justification has been provided. As the proposal would have blank walls or non-opening obscure glazed windows on three elevations, this would ensure that there would be no detrimental impact arising from harmful overlooking.
13. I therefore conclude that the proposed development would not have a detrimental impact on the living conditions of 1046 and 1048 Stockport Road. As such, there would not be conflict with Policies DM 1 and SP 1 of the Core Strategy, which require, amongst other matters, for all development to have regard to the effects on amenity. It would also not be contrary to paragraph 130 of the recently revised Framework, which seeks, amongst other matters, a high standard of amenity for all existing and future users. The Council have also referenced Policy EN 1 of the Core Strategy in the decision notice, but this policy is not relevant to living condition matters.

Highway Safety

14. The Council's concerns relate to the lack of dedicated car parking provision and the proposal leading to localised vehicular congestion traffic generation. The site is however in a highly accessible location, close to a high frequency bus corridor and within walking distance of a train station as well as shopping and other facilities. Whilst I acknowledge the proposal would result in an additional full-time staff member as well as a part-time one, and potentially additional visitors over the approved scheme, I do not consider these small increases would lead to unacceptable traffic generation. At the time of my visit, I observed that parking was available in the streets near the appeal site which together with the accessibility of the site by non-car modes, would ensure that there would not be a materially harmful impact on highway safety.
15. I therefore conclude for these reasons that the proposal would not have an unacceptable impact on highway safety. As such, it would not conflict with Policies SP 1, T 2 and DM 1 of the Core Strategy. These policies require, amongst other matters, for regard to be had to road safety and traffic generation.

Other Matters

16. The appellant has set out the need for high quality purpose built modest office space and the reference in national policy to supporting economic growth. The site has also been run down and this proposal would bring it into use, help the local working population and sustain local shops and services. Whilst these matters weigh in favour of the proposal, they would not outweigh the harm that I have identified in relation to character and appearance.
17. I note that there are no known risks of contamination, the site is in a low flood risk area and that there have been no objections from the Highways and Environmental Health consultees. A lack of harm in these areas are neutral matters and do not weigh in favour of the proposal.

18. Light pollution to the neighbours' garden has been raised as a concern by the Council. I have not been provided with any further justification on this, but given the height and size of the window on the southern elevation, I do not consider this would be unduly harmful, particularly given the limited use of residential gardens in the hours of darkness.

Conclusion

19. I have found in the appellants' favour in relation to living conditions and highway safety. However, I conclude that the proposal would be unacceptable in relation to the impact on the character and appearance of the area.
20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR