



Appeal Decision

Site visit made on 29 June 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2021

Appeal Ref: APP/B4215/W/21/3272610

9 Bellfield Close, Blackley, Manchester M9 8QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Darren Smith against Manchester City Council.
 - The application Ref 127405/FH/2020, is dated 9 July 2020.
 - The development proposed is the erection of a single storey detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey detached garage at 9 Bellfield Close, Blackley, Manchester M9 8QA, in accordance with the terms of the application Ref 127405/FH/2020, dated 9 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 'TQRQM20190172903769' and 'Proposed detached single garage at 9 Bellfield Close, Blackley, Manchester, M9 8QA – Amended August 2020'.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on 9 Bellfield Close.

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.

Application for costs

3. An application for costs was made by Mr Darren Smith against Manchester City Council. This application is the subject of a separate decision.

Procedural Matter

4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Preliminary Matters

5. This appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. Whilst I note the Council's contention that the application was refused on 4 May 2021, I have not been provided with a formal decision notice and moreover, the appeal form is dated 7 April 2021. Accordingly, I am satisfied that this is an appeal against non-determination.
6. At the time of my site visit the walls of the proposed development were partially constructed. They appeared to be in accordance with the submitted plans. I have determined this appeal accordingly.

Main Issues

7. Based on the evidence before me, including the Council's putative reason for refusal, I consider that the main issues are the effect of the proposed development on: the character and appearance of the area; and access and parking provision.

Reasons for the Recommendation

Character and appearance

8. The appeal site is located at the head of an area of hardstanding which provides access to the rear of 5, 7 and 9 Bellfield Close and the side of No 3. Nos 5 and 7 have parking spaces to the rear of their plots, also accessed from this hardstanding.
9. The proposed garage would be modest in scale and would use similar materials to the surrounding dwellings. Due to its design and siting to the rear of the dwellings, it would appear as an ancillary outbuilding, which would not be an alien feature in this residential setting. It would be positioned to the rear corner of the hardstanding well away from other buildings and a considerable distance from the head of the cul-de-sac on Bellfield Close. As such, it would not appear cramped in relation to neighbouring development.
10. The existing parking arrangement is uncharacteristic in the wider locality, where garages and off-street parking spaces are typically to the front or side of properties. However, due to its siting and scale, the proposal would not be overly apparent from the public realm and therefore would not appear as a visually intrusive feature. As a result, it would not be noticeably out of keeping with the surrounding pattern of development. Furthermore, while there are no other garages in the immediate area, there are several in surrounding roads and detached garages are a common feature of residential areas. The proposal would not therefore appear incongruous or inappropriate in this location.
11. Consequently, the proposal would not harm the character and appearance of the area and would therefore be consistent with policies DM1, SP1 and EN1 of Manchester's Local Development Framework, Core Strategy (July 2012) (the CS) whose collective purpose is to ensure, amongst other things, that developments have regard to the character of the area and are of appropriate siting, scale, massing and design.

Access and parking

12. The proposed garage would occupy the same area of land as one of the dedicated parking spaces for No 9 and would not project onto the communal

hardstanding. It would be of sufficient size for the parking of one vehicle, thus would not reduce the number of spaces available to that dwelling. Additionally, it would not alter the existing access and manoeuvring arrangements for the appeal site or the existing spaces for Nos 5 and 7. There is therefore no substantive evidence before me to indicate that this proposal would interfere with the effective functioning of the existing parking arrangements or materially alter the existing situation in respect of access and egress from the appeal site.

13. The Council is concerned that the proposal would set an undesirable precedent for garages for Nos 5 and 7. Those dwellings have parking to the rear within their plots. There is no compelling evidence before me to suggest that any applications to build garages over those existing spaces or within the shared hardstanding have previously been submitted, or are likely to be submitted in the future. Even if such applications were made, each proposal would be considered on its own merits, having regard to the circumstances of the site, as I have done for this proposal.
14. Accordingly, this proposal would not adversely affect the provision of access and parking and would therefore adhere to policies DM1, SP1 and T2 of the CS insofar as they seek to ensure that developments provide appropriate car parking facilities and have regard to effects on road safety.

Other Matters

15. The Council contends that the proposed garage would not be within the curtilage of No 9. However, given my findings above that the proposal would be acceptable on its own merits, I do not need to consider this matter further.
16. Any application fee refund is a matter between the Council and appellant.

Conditions

17. As development has commenced, there is no need for the standard time limit condition. However, as it has not yet been completed, for certainty, I have attached an approved plans condition. A condition requiring materials to match the existing dwelling is necessary in the interests of the character and appearance of the area.

Conclusion and Recommendation

18. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Hannah 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, the appeal is allowed.

L McKay

INSPECTOR