
Appeal Decision

Site visit made on 14 July 2021

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 9 August 2021

Appeal Ref: APP/B4215/W/21/3272374

Weaver House, 10 Barlow Moor Road, Manchester M20 6TR

- 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 Tim Greenwood against the decision of Manchester City Council.
 - The application Ref 126775/FO/2020, dated 16 April 2020, was refused by notice dated 9 October 2020.
 - The development proposed is Erection of a three storey building to form 6 no apartments with associated undercroft car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development was amended at application stage with a reduction in height and the number of apartments. The description in the header above reflects that as detailed on the decision notice and the appeal form. I have determined the appeal on this basis.
3. I received several requests to view the appeal site from the windows of individual neighbouring properties. I did not consider it necessary to enter any properties to establish the impact of the proposals on neighbours' living conditions particularly given the current status of the pandemic.
4. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I sought comments from the main parties and I have taken the revised Framework and the comments into account in this decision where necessary.

Main Issues

5. The main issues in this appeal are:
 - The effects of the proposed development on the Blackburn Park Conservation Area and the setting of nearby Listed buildings, and on the character and appearance of the site and its surroundings;
 - The effects of the proposed development on the living conditions of the occupiers of neighbouring properties; and
 - Whether the parking provision is sufficient for the proposed development and the existing apartments, and effects on highway safety.
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Reasons

Setting of CA and Listed Buildings, Character and Appearance

6. The appeal site lies within Blackburn Park Conservation Area (CA), and it is an agreed matter that it lies within the setting of two Grade II Listed buildings; Emmanuel Church and its vicarage on Barlow Moor Road. I have therefore applied my duty under Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. Whilst the setting of the Listed buildings does not specifically form part of the Council's case, objections have been raised by a number of interested parties. There is a clear public view of the spire of the Church across the site when viewed from Pine Road. This is a view which in turn contributes to the significance of the CA.
8. The main features contributing to the significance of the CA are the large detached and semi-detached Victorian and Edwardian houses which have a variety of interesting architectural features. They are predominately set in spacious and mature gardens along tree-lined roads.
9. Weaver House is an imposing property dating from around 1890 located on the corner of Barlow Moor Road and Pine Road. Both parties agree that it makes a positive contribution to the character and appearance of the CA, but opinion differs about the contribution that the open spaces around it make, including its rear car park where the development is proposed to be located.
10. There are clear and open views of the car park from Pine Road via its vehicular access and over the low brick wall. There are less direct views from Barlow Moor Road. I do not agree with the applicant's description of the car parking area as 'somewhat institutional'. Whilst the hard landscaping is not of interest and vegetation within the site itself is minimal, it is the space the car park provides between buildings that is of significance. Its significance is increased by the views it offers from Pine Road towards the spire of the Church.
11. The proposed apartment block would occupy a significant proportion of the open space to the rear of Weaver House. Whilst the building would not eradicate views of the Church spire, it would diminish them to an unacceptable degree. Consequently, this erosion of the open space between buildings would have a negative effect on the character and appearance of the area. The siting of the apartment block, almost directly on the boundary, and its long and narrow plan form would be at odds with the prevalent form of development in CA.
12. The proposed building would also fail to meet the requirements for good design. Whilst I acknowledge the varied contrast of architectural styles in the area, the proposed building would have few design features which respect the significance of the CA. The mix of small and large windows, dominance of undercroft parking and lack of frontage (with no visible entrance door) and windows at ground level would be particularly out of character. Whilst I acknowledge the attempts to break up the lengthy mass of roof with small gables and the addition of double height windows to each end, this fails to create a high quality and beautiful development which is sought by section 12 of the Framework.

13. The side of the building facing no. 45 Pine Road would be particularly featureless. I acknowledge the screening offered by the existing tall trees along the boundary within no. 45. However there is a high likelihood that the trees may not survive in the long term given their very close proximity to the building. Loss of trees would expose the building to more sensitive views from its neighbour and a wider stretch of Pine Road. This would have a particularly harmful effect on the character and appearance of the site and its surroundings within the CA.
14. The harm to both the setting of the Listed buildings and the character and appearance of the CA, and therefore their significance, would be less than substantial overall. I consider public benefits in accordance with paragraph 202 of the Framework later in this decision.
15. Overall the design, siting, scale and massing of the proposed apartment block would be incongruous in its setting, causing unacceptable visual harm. It would also unacceptably erode a space which is of significance within the CA and partially obstruct views of the Listed Emmanuel Church. As such it would neither preserve or enhance the character or appearance of the Blackburn Park CA as a whole. It fails to comply with Policies DM1 and EN3 of the Manchester Core Strategy 2012 (MCS) and saved Policy DC18 of the UDP (1995).
16. Amongst other criteria, these Policies expect achievement of appropriate design quality which should have regard to the character of the surrounding area, take advantage of distinct historic features of the neighbourhood, and to preserve and enhance the historic environment. The aforementioned policies are generally consistent with paragraph 130 of the Framework, as well as section 16 of the Framework in relation to heritage assets.

Living Conditions

17. The proposed apartment building would be situated directly adjacent to the boundary with no. 45 Pine Road and in very close proximity to the boundary wall at no's 8/8A Barlow Moor Road. The separation distance from Weaver House is unspecified, but in close proximity. The apartments to the rear of the building currently enjoy an open outlook over small grassed areas, the car park and towards the boundary trees.
18. Effects of overlooking to Weaver House could be reduced by the proposed design features, including the use of opaque glazing and angled windows. However such features only serve to highlight the building's proximity to its neighbours, and would not reduce the oppressive and overbearing effects caused by its excessive bulk and inappropriate siting.
19. The re-organisation of the car park would involve removal of grassed areas, and positioning of parking spaces immediately outside the windows of ground floor apartments at Weaver House. This would increase the visual presence of cars together with associated noise, fumes and general comings-and-goings. Consequently I find there would be harm to the living conditions of the occupiers of the apartments at the rear of Weaver House. Whether the apartments are rented or privately owned has no bearing on my findings.
20. The proposed building would have a number of windows directly facing the boundary of no. 45. I acknowledge that they would serve non-habitable rooms and that the existing dense vegetation provides screening. Nonetheless there is

no certainty that the trees would survive the building works or pressure from future residents to fell them given their extreme proximity. There are a number of windows and a private garden area to the side of no. 45 which would be significantly affected. As well as the risk of overlooking, the bulk of the building and its stark appearance would exacerbate overbearing effects to the occupiers of no. 45.

21. The gardens to no's 8 and 8A are largely open and unscreened from the appeal site. The upper floors of the proposed building would have large double height windows to its end elevation, serving the lounge/diner/kitchens of two apartments, resulting in direct overlooking to the gardens. Oblique overlooking is also highly likely occur into the rear projections of 8 and 8a including a distinctive octagonal rear extension. I have considered the suggested conditions but there would be very limited space for any landscaping which might mitigate against such significant adverse effects.
22. To conclude on this main issue, the proposed development would result in unacceptable effects on the living conditions of the occupiers of adjoining neighbours, particularly in terms of loss of privacy, overbearing effects and a sense of enclosure. The positioning of car parking spaces adjacent to windows of existing apartments at Weaver House would have lesser effects on living conditions but adds to my overall concerns. The proposals fail to accord with MCS Policies DM1 and SP1 which seek for development to have regard to effects on amenity and make a positive contribution to the health, safety and wellbeing of residents. In turn there would also be conflict with paragraph 130 f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Parking and Highway Safety

23. The appeal site lies in an accessible location close to shops and services, including public transport provision. MCS Policy T2 seeks for new development elsewhere to provide 'appropriate car parking facilities' taking account of relevant guidance (which is not in the evidence before me). The Policy also specifies that proposals should have regard to the need for disabled and cycle parking, and states that car parking standards are maximums, but that the circumstances of the proposal would be taken into account to establish what level of parking is appropriate.
24. I note the comments from the Council's Highways team, which seek 100% car parking. This would equate to 20 spaces (14 for the existing apartments at Weaver House and 6 for the proposed development). This takes account of the accessible location of the site, but also acknowledges a reasonably high level of on-street car parking on Pine Road. There would be a shortfall of two spaces (18).
25. At the time of my site visit (around midday) there were few cars in the car park to Weaver House, however there were many more parked along both sides of Pine Road, proximate to the access. I noted that most cars were overhanging the pavement. It has been brought to my attention in numerous third party representations that this causes a hazard to non-motorised users, including disabled users and prams. Visibility from the site access as well as neighbouring driveways is affected. The preponderance of cars parked on Pine Road corresponds with the third party comments that this is associated with residents from the denser streets nearby which do not benefit from off-street

parking, as well as users of the commercial units and community uses on Barlow Moor Road (which has yellow lines to restrict parking). The shortfall in on-site car parking is likely to lead to additional on-street parking in what is already an unsatisfactory situation.

26. The Highways team also requested a number of additional details including disabled parking space, allocation of residents' spaces and arrangements for visitor parking, electric vehicle charging and cycle parking. Other details that are not before me in the evidence are whether turning space can be achieved within the site, appropriate visibility, and details of car park barriers. Whilst many of these matters could be agreed by conditions, the lack of detail adds doubt to whether the proposed car parking would be able to function safely.
27. The undercroft parking area includes a small enclosed store to the rear of the entrance staircase. The appellant suggests that this could be used for upright storage of bikes, however this is an unsatisfactory arrangement both in terms of its size and siting. In this respect it is unlikely to encourage cycling as an alternative to the private car and adds to my overall concerns.
28. In view of the above, I find that parking for the proposed development together with the existing apartments at Weaver House would be insufficient, and likely to result in additional parking on Pine Road to the detriment of highway and pedestrian safety. The proposed development would therefore be contrary to MCS Policies T2 and DM1.
29. I note that Policy T2 refers to car parking standards being maximums, however this is reflective of the 2012 version of the Framework. The current version (paragraph 108) only recommends maximum parking standards where there is clear and compelling justification. Policy T2 is not fully consistent with the current Framework, therefore I only give it moderate weight in this respect.

Other Matters

30. The appellant has referred to a number of other apartment developments in the area and I took the opportunity to see them on my site visit. However, I find that they are all incomparable to the appeal scheme. Many of the buildings are of some age, and are located within much larger sites with a different context including presence of landscaping. They are largely unrepresentative of the prevailing character of the CA, and as such precedent has very limited bearing on my findings.
38. I have had regard to other matters raised by neighbours. As I am dismissing the appeal on the main issues for the reasons given above, I have not addressed these matters further.

Heritage Balance

31. I find the degree of harm to the significance of the designated heritage assets to be less than substantial. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal. The proposal would result in the addition of six apartments to the overall housing stock in the area, in an accessible location. There would also be some economic benefits arising from its construction and increased local spending. No other tangible benefits (including planning obligations) have been put forward by the appellant.

32. Whilst I acknowledge that small sites can make an important contribution to local housing supply there are no public benefits which would outweigh the unacceptable harm to the character and appearance of the CA that I have identified.

Conclusion

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

Susan Hunt

INSPECTOR