



Appeal Decision

Site visit made on 6 December 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2021

Appeal Ref: APP/B4215/D/21/3282561

23 Lakenheath Close, Manchester M20 2WP

- 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 Kevin Short against the decision of Manchester City Council.
 - The application Ref 130603/FH/2021, dated 2 June 2021, was refused by notice dated 4 August 2021.
 - The development was described as proposed erection of reduced size timber framed garden room/ home office located in rear garden- resubmission application 129819/FH/2021.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey outbuilding in rear garden at 23 Lakenheath Close, Manchester M20 2WP in accordance with the terms of the application Ref 130603/FH/2021, dated 2 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 01.B (PROPOSED TIMBER FRAMED GARDEN ROOM SITED IN REAR GARDEN REDUCED SCHEME).
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials specified on the application form and plan 01.B (PROPOSED TIMBER FRAMED GARDEN ROOM SITED IN REAR GARDEN REDUCED SCHEME).

Application for Costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Preliminary Matters

3. The site address in the heading above, and in the formal decision, has been taken from the Council's decision notice and the appeal form as it is more precise than that given on the application form.
4. The development for which planning permission is sought was described on the application form as "proposed erection of reduced size timber framed garden room/ home office located in rear garden- resubmission application 129819/FH/2021". The Council's decision notice and the appeal form described

the development as “erection of single storey outbuilding in rear garden”. In the formal decision I have used this description as it is a more precise and accurate reflection of the proposed development for which permission is sought.

5. On my site visit I observed that there was an outbuilding within No 23’s rear garden, which appears to relate to the previous planning application. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issues

6. The main issues are, the effect of the proposed development on:
 - the character and appearance of the surrounding area, having regard to the Didsbury St. James Conservation Area (CA); and
 - the living conditions of neighbouring occupiers, having regard to outlook.

Reasons

Character and appearance

7. No 23 is a recently constructed, three storey, end of terrace dwelling which forms part of a wider development. The surrounding area is characterised by primarily residential dwellings. The appeal site is located within the CA, albeit towards the edge.
8. Based on the evidence before me the CA covers a large area and is characterised by buildings which vary in architectural style and form, and are mainly constructed of red brick with a slate roof. The CA has a verdant character due to open green spaces and tree coverage.
9. The proposed outbuilding would occupy a large proportion of the host dwelling’s modest garden. The proposed materials would be in keeping with the existing development. Having regard to the design of the wider development site, the scheme would not be an overly dominant or visually obtrusive feature within the streetscene, including Wingate Drive. This is because the outbuilding would not be conspicuous from the wider area due to the height of the boundary fence as well as the outbuilding’s siting, height and design. I am satisfied that the scheme would preserve the character and appearance of the CA.
10. For these reasons, the proposed development would not have an unacceptable effect on the character and appearance of the surrounding area, and would preserve the character and appearance of the CA. Consequently, it would comply with saved Policies DC1.1, DC1.2, DC1.3, DC1.4 and DC18 of The Unitary Development Plan for the City of Manchester (1995) (UDP) and Policies SP1, EN3 and DM1 of the Manchester’s Local Development Framework: Core Strategy Development Plan Document (2012) (CS). These policies seek, amongst other matters, to ensure developments have regard to the character of the surrounding area and preserve or enhance the historic environment. Additionally, it would not conflict with chapters 12 and 16 of the National Planning Policy Framework (the Framework) which requires new development to be sympathetic to local character which conserves and enhances the historic environment.

Living conditions

11. Although the officer's report states that the proposal would not directly impact on the amenities of any neighbouring occupiers, the reason for refusal states that the development would have an overbearing appearance to neighbouring occupiers.
12. The outbuilding would be visible from the neighbouring occupiers' rear windows. Nonetheless, the outbuilding would be situated towards the north eastern corner of the garden. The boundary fence would screen the majority of the outbuilding from the ground floor windows and gardens of nearby properties. In addition, it would not appear overbearing from the first and second floor windows given the height, siting and scale of the outbuilding in relation to the orientation of the windows. The proposal would also not have an overbearing appearance from properties on Wingate Drive given the distance between the outbuilding and these properties. Consequently, the scheme would not have an overbearing appearance to neighbouring occupiers and would not appear visually obtrusive.
13. For these reasons, I am satisfied that the proposed development would not have an unacceptable effect on the living conditions of neighbouring occupiers, having regard to outlook. Accordingly, it would comply with Policies DC1.1, DC1.2, DC1.3, DC1.4 and DC18 of the UDP and Policies SP1, EN3 and DM1 of the CS. These policies seek, amongst other matters, to ensure developments have regard to the amenity of neighbouring occupiers. It would also comply with chapter 12 of the Framework which seeks to ensure that developments create places with a high standard of amenity for existing and future users.

Other matters

14. The appellant asserts that the Council did not comply with Regulation 7 of the Openness of Local Government Bodies Regulations 2014 [SI 2014 No. 2095], and have referred to a legal judgement¹, because they did not upload the officer's report. Such concerns would be a matter to take up with the Council and it does not impact the planning merits of the case.
15. I understand that the appeal site is part of a residential development within the grounds of a Grade II listed building (825 Wilmslow Road, The Cedars). The Council raise no concerns in respect of the effect of the development on the setting of the listed building, and I have no substantive reason to consider otherwise. Given the siting of the outbuilding in relation to the listed building and the scale of the outbuilding, I am satisfied that the proposed development would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is a neutral consideration.

Conditions

16. It is necessary to attach a condition specifying the approved plans as this provides certainty. A condition is also necessary to ensure that the proposed materials are implemented in order to preserve the character and appearance of the area, including the CA.

¹ Shasha v. Westminster City Council [2016] EWHC 3283 (Admin)

Conclusion

17. For the reasons given above, the appeal should be allowed subject to the attached conditions.

L M Wilson

INSPECTOR