



Appeal Decision

Site visit made on 16 November 2021

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/B4215/W/21/3273212

Land to the east of The Fairway, Moston, Manchester

- 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 Moston M40 Ltd against the decision of Manchester City Council.
 - The application Ref 129092/FO/2021, dated 7 January 2021, was refused by notice dated 10 March 2021.
 - The development proposed is erection of 2no. two storey dwellinghouses (use class C3) with associated car parking, landscaping and boundary treatment.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of 2no. two storey dwellinghouses (use class C3) with associated car parking, landscaping and boundary treatment, at Land to the east of The Fairway, Moston, Manchester, in accordance with the details of the application and the attached Schedule of Conditions.

Preliminary Matters

2. The description of proposed development given in the header above, and that on the Council's Decision Notice, differs a little to that provided on the application form. The appellant has confirmed that he has no objection to the change. I have made my decision based on the altered description.
3. A revised National Planning Policy Framework (the Framework) was published in July 2021, following the submission of the appeal. The appellant has confirmed that they consider there to be no material changes relevant to the appeal. I have taken account of the revised Framework in my Decision.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The site comprises a piece of disused land located on the eastern side of The Fairway, a residential street located within a residential area. It is sited between the south-western boundary of the dwellinghouse number 51 The Fairway and the north-eastern boundary of the Moston Brook Recreational Space. The area is characterised mainly by two-storey detached and semi-detached dwellings of modest sizes. There is some variation in their design and the external materials used. However, they are all a similar height with dual-pitched roofs; the dwellings immediately north of the site have gable

frontages; many have open plots at the front (though some have low level boundary treatments) with hard-standing areas used for parking cars, and several of the existing driveways are wider than the driveways proposed; there is some variation in the size of the gaps between the dwellings, noting that the size of the gaps between most of the properties located immediately south-west of the site are around 2.5-3 m; most are constructed of brick under tiled roofs.

6. The proposed dwellings would be similar in design and size to surrounding properties. The gap between the 2 dwellings would be around 3 m. The narrowest gap from side elevation to boundary would be around 2 m; the gap to the south-western boundary of plot 2 would be tapered, with a gap of around 7.8 m at the rear part of the side elevation; due to there being a sub-station located within a single-storey, flat roof building between the south-western side boundary of No. 51 and the proposed north-eastern side boundary of plot 1, the space between the side elevation of the property on plot 1 and the side elevation of the garage at No. 51 would be around 6.6 m.
7. Both proposed dwellings would have hard-standing driveways at the front around 11 m deep x 3 m wide, sited adjacent to each other, and both would have soft landscaped areas to the side of the driveways, covering areas larger than the driveways. Open space would be retained either side of the pedestrian access to Moston Brook.
8. Within the site circumstances and context as described above, I consider there to be sufficient space within the site to accommodate the 2 detached dwellings as proposed. I appreciate the judgement of the Council. However, I consider that sufficient space would be provided both between and around the proposed dwellings, that the proposed driveways would not dominate the frontages, and that the open space setting of Moston Brook would not be reduced to a degree that would be harmful. For these reasons I conclude that the proposal would not harm the character or appearance of the area. As such, the proposal accords with policies SP1, EN1, DM1 of Manchester's Local Development Framework: Core Strategy Development Plan Document, 2012, Saved Policy BM4 of the Unitary Development Plan and paragraph 130 of the Framework. Collectively, and among other things, these policies require development to follow good principles of urban design; create high quality buildings and places; protect and enhance the built and natural environment; be sympathetic to local character and the surrounding built environment and landscape setting, having regard to the character of the surrounding area, and to maintain and enhance the Moston Brook valley of Recreational Open Space.

Other Matters

9. I note the concerns raised by residents in the area. Given the generous distances between the existing and proposed dwellings I am satisfied that the privacy levels of occupiers of existing properties would be protected, subject to the conditions attached. I consider the additional traffic from 2 dwellings would not have a detrimental effect on the surrounding highway network. Subject to the recommendations in the submitted Ecological Assessment, I am satisfied that the proposal would not have any detrimental ecological impact. Although trees may have been felled prior to the proposal being submitted, I must assess and determine the appeal based on the existing circumstances. If there is a culverted stream within proximity of the proposed development the

developer would have to satisfactorily address this matter. The surface water drainage condition attached includes taking account of the Moston Brook tributary. It has been suggested that some residents would not be able to access the rear of their properties for maintenance purposes. Should any neighbour consider that an existing access right would be impeded, this would be a civil legal matter. However, the condition attached relating to boundary treatments includes the retention of a gate for necessary access.

Conditions

10. The Council's suggested conditions and the appellant's comments on them have been considered taking account of advice in the Planning Practice Guidance (PPG) and the tests within the Framework. Some have been amended or amalgamated for clarity or to avoid duplication, and some have been omitted, taking account of policy, guidance and comment. Any attached pre commencement conditions are ones the appellant has not objected to.
11. I have specified the plans, for the avoidance of doubt. Surface water drainage details are required to reduce flood risk and a further contamination investigation is required to ensure the site is suitable for its sensitive end use. These matters need to be pre commencement to avoid any negative implications later in the development process. Details of external materials, landscaping, boundary treatments and tree protection measures are required to protect the future well-being of trees and the character and appearance of the area. Some landscaping requirements, details related to outdoor lighting and the provision of bat tubes and sparrow terraces, and the timing of vegetation clearance, are required in the interests of animal welfare and biodiversity. Provision of car parking is required in the interest of highway safety. Electric car charging points are required to assist in the reduction of CO₂ emissions, and details of cycle storage are required to promote modes of transport other than private motor vehicles. Certain windows are to be obscure glazed and permitted development rights related to windows and dormer windows, in certain elevations and roof slopes, are removed to protect the living conditions of the occupiers of the existing neighbouring property number 51 The Fairway, and to ensure satisfactory living conditions are provided for future occupiers of the dwellings hereby approved. Some suggested conditions have not been attached as I consider they were not robustly justified and/or did not meet the required conditions tests.

Conclusion

12. For the reasons outlined above, I conclude that the appeal is allowed.

J Williamson

INSPECTOR

Schedule of 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 plans: 20-027-P-01, 20-027-P-10, 20-027-P-11, 20-027-P-12 and 20-027-P-13.
- 3) Prior to commencement of development, details of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The details shall be based on sustainable drainage principles and take account of any likely impact on the historical tributary of Moston Brook. The development shall be carried out in accordance with the approved details and implemented prior to the dwellings hereby approved being occupied.
- 4) Prior to commencement of development, a Phase II Site Investigation and Report shall be completed. The Report shall be submitted to and approved in writing by the local planning authority. If remediation measures are required, development shall not commence until a Remediation Statement, which shall demonstrate how the site will be made suitable for its intended use and include details of the programme of works to be undertaken, including a verification plan, has been submitted to and approved in writing by the local planning authority. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out [and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority] before the dwellings hereby approved are occupied.
- 5) Prior to the commencement of any development above ground level, samples and specifications of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples/details.
- 6) Prior to the dwellings hereby approved being first occupied, details of any external lighting to be installed shall be submitted to and approved in writing by the local planning authority. The details shall adhere to guidance in Guidance Note 08/18: Bats and artificial lighting in the UK, produced by the Bat Conservation Trust and Institute of Lighting Professionals. The approved details shall be installed prior to the dwellings hereby approved being occupied.
- 7) The development hereby approved shall be undertaken and completed in accordance with the guidance and recommendations outlined in the Ecological Assessment by David Watts Associates Ltd, Ref BE-944-02F, dated 4 January 2021. The recommended bat tubes and sparrow terraces shall be installed as indicated on approved drawings numbered 20-027-P-12 and 20-027-P-13, prior to the dwellings hereby permitted being occupied. They shall be retained, or replaced with comparable features if required, thereafter for the lifetime of the development.

- 8) The car parking areas shown on the approved drawing number 20-027 P-10 shall be laid out and made available for use prior to the dwellings hereby permitted being occupied. These areas shall thereafter be retained for the parking of motor vehicles of the occupiers of the approved dwellings, without impediment to their designated use, for the lifetime of the development.
- 9) Prior to the dwellings hereby permitted being occupied, the 2 No. electric car charging points shown on approved drawing number 20-027-P-10 shall be installed and commissioned. They shall provide a minimum power of 7 kW and 3 mode (or equivalent) charging. The charging points, or suitable replacements if required, shall be retained thereafter for the lifetime of the development
- 10) Prior to the dwellings hereby approved being occupied, the windows on the side elevations of the approved dwellings, shown on drawings numbered 20-027 P-12 and 20-027-P-13 as being obscure glazed, shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale, or equivalent alternative. The windows shall remain obscurely glazed for the lifetime of the development.
- 11) The dwellings hereby approved shall not be occupied until the boundary treatments shown on approved drawings numbered 20-027-P-10 and 20-027-P-11, including the gate to be retained along the south-western boundary of plot 2 for authorised access, have been installed.
- 12) Prior to the dwellings hereby approved being occupied, details of secure cycle storage shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the dwellings hereby approved being occupied and retained thereafter, or replaced with similar structures, without impediment to their designated use for the lifetime of the development.
- 13) No vegetation clearance shall be undertaken between the 1st of March and 30th September in any year.
- 14) All planting, seeding and/or turfing shown on the approved drawings numbered 20-027-P-10 and 20-027-P-11 shall be carried out in the first planting and seeding seasons following the occupation of the dwellings hereby approved or the completion of the development, whichever is the sooner. The areas designated for 'Native Soft Planting' and 'Native Hedgerow' shall include a mix of British wildflowers and shrubs from the list suggested in the Ecological Assessment by David Watts Associates Ltd, Ref BE-944-02F, dated 4 January 2021. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No tree or hedge shown as being retained on drawings numbered 20-027-P-10 and 20-027-P-11 or within the Arboricultural Impact Assessment & Method Statement by David Watts Associates Ltd, Ref BE-944-01E, dated 4 January 2021, shall be cut down, uprooted, or destroyed. All hard landscaping shown on approved drawings numbered 20-027-P-10 and 20-027-P-11 shall be laid out and available for use prior to the dwellings hereby permitted being occupied. All works shall be carried out in accordance with the Arboricultural

Method Statement (AMS) in the Arboricultural Impact Assessment & Method Statement by David Watts Associates Ltd, Ref BE-944-01E, dated 4 January 2021. The tree protection measures outlined in the AMS and on the associated drawing number TPP-944-03 shall be installed prior to any site clearance taking place or commencement of development. The tree protection measures shall remain in place until the development is completed.

15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or dormer windows [other than those expressly authorised by this permission] shall be constructed on the north-eastern or south-western facing elevations and roof slopes of the dwelling on Plot 1 or on the north-eastern facing elevation and roof slope of the dwelling on Plot 2.

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