



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: 23 December 2021

Appeal Ref: APP/B4215/W/21/3279029

1 Mitford Road, Manchester M14 6UL

- 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 Mohammed Akram against the decision of Manchester City Council.
 - The application Ref 128380/FO/2020, dated 23 October 2020, was refused by notice dated 3 February 2021.
 - The development proposed is described as the erection of a new detached residence, on a plot in the rear garden of 1 Mitford Road.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Mr Mohammed Akram against the decision of Manchester City Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. I have used the description of development provided on the application form as I have not been provided with any evidence to confirm a change of description was agreed between the parties. I have made my decision on this basis, though I note the description provided on the Council's Decision Notice is simply a little more detailed than that originally provided, rather than it being different. As such, my decision would have been the same if the Council's description was used.
4. Following the submission of the appeal a revised National Planning Policy Framework (the Framework) was published. The views of the main parties were sought regarding the relevance of any changes; no comments were received. I have taken account of the revised Framework in reaching my decision.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of occupiers of existing neighbouring properties, and

- whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance

6. The site comprises the southern end of the garden of 1 Mitford Road that currently has a detached, single-storey garage with a shallow-pitched roof sited on it. Number 1 Mitford Road is attached to number 6 Brook Road, with the combined properties being located on the corner of Mitford Road and Brook Road. The frontages of these properties present as two-storey buildings to their respective streets, though from my site visit it appeared that the properties have rooms in the roof space and in the case of No. 1 Mitford Road a cellar. The properties are constructed of red brick under grey slate roofs.
7. The surrounding area is residential. The 2 buildings immediately south of the site are four-storey blocks of flats, constructed of a light brown brick under tiled roofs. These buildings are designed with half dormers fronting Mitford Road. Other buildings on the Road are two and three-storeys high, constructed of bricks coloured either red, buff or grey. Except for one building which has a flat roof, the properties along Mitford Road mainly have modest to shallow pitched roofs.
8. Although described as two-storey, the proposed dwelling would have the appearance of a dormer bungalow, but one with a steep pitched roof and high roof ridge. Flat-roof dormers would be inserted into most of the roof slopes, thereby creating the first-floor level in the large roof space. It can be seen on the street scene plan submitted that the roof pitch, and the eaves and roof ridge heights of the proposed dwelling, would not relate/correspond to either of the buildings that it would sit between. The flat-roof dormers fronting the road would also introduce an incongruous feature into the street scene. I accept the appellant's view that due to the size and scale of properties around the site, the proposal would not be over dominant. However, I consider the proposed dwelling as designed would be visually intrusive in the Mitford Road street scene, which is the immediate, primary setting within which the proposal would be viewed.
9. The external elevations of the proposed dwelling would consist of a mix of light-coloured brick for the southern and eastern facing gable elevations with render on the front and rear elevations and northern facing side gable elevation. The roof would be grey slate and the dormer elevations would be finished in a grey zinc cladding. I acknowledge that a recently constructed dwelling on Amherst Road has rendered elevations, and I observed during my site visit that there are a few other properties located on surrounding streets that have sections of render on elevations. However, none of the properties on Mitford Road have external surfaces that are rendered, and none have any zinc cladding. I therefore consider the render and zinc cladding to be materials that would not be in keeping with the predominant materials used on the external elevations of properties on the street.
10. For the reasons outlined, I conclude that the proposal would have a detrimental impact on the street scene which would be harmful to the character and appearance of the area. As such, it does not accord with policies S1 and DM1 of Manchester's Local Development Framework: Core Strategy Development Plan

Document 2012, (CS), or paragraphs 126 and 130 of the Framework.

Collectively, and among other things, these policies require development to be well-designed, of an appropriate form with use of appropriate materials, and to create high quality, beautiful buildings and places that are sympathetic to, protect and enhance the area, adding to its overall quality.

Living conditions – existing occupiers

11. The southern facing gable elevation of the proposed dwelling would be sited very close (around 4m) to several habitable room windows on the northern facing elevation of the existing block of flats immediately south of the site. Due to the siting and the depth and height of the gable, I consider the proposed dwelling would have an overbearing effect on, and harm the outlook from, several habitable rooms in the block of flats.
12. The eastern facing gable elevation of the proposed dwelling would sit on the side boundary of the rear garden of No. 6 Brook Road. However, due to the generous depth of the rear garden, I consider that there would still be a considerable extent of private outdoor space to the rear of the property which occupiers of the dwelling would enjoy without experiencing the presence of the proposed dwelling. Additionally, the proposed dwelling would not harm the outlook from No. 6 as it would be sited a sufficient distance from it.
13. Notwithstanding my conclusion regarding the effect of the proposal on the living conditions of the occupiers of No. 6 Brook Road, I have found that the proposal would significantly harm the outlook from several habitable rooms in adjacent flats. I therefore conclude that the proposal would harm the living conditions of occupiers of existing neighbouring properties. As such, the proposal does not accord with policies S1 and DM1 of the CS or sub paragraph 130 (f) of the Framework, which require development to make a positive contribution to the well-being of residents, have regard to the impact on residents living conditions, and to secure high quality living conditions for existing users.

Living conditions – future occupiers

14. According to the appellant, and I have no reason to challenge the information, the site measures around 180 sqm and the footprint of the proposed dwelling would be around 72 sqm; therefore, 108 sqm of the site would be available to accommodate off street parking and outdoor space.
15. I do not accept the Council's suggestion that only 6 sqm of the outdoor space within the site would be private outdoor space, as more could be provided than the area suggested by the Council, whilst still being able to provide on-site parking for 2 cars (for example, around the north-eastern corner of the site). However, even with this area included, I consider that the extent of private outdoor space would be relatively small, and, unlike the appellant, I consider private outdoor space does not include gardens at the front of the property (which would not be private, without installing boundary treatments of a height that would not be in keeping with the street scene) or car parking areas. I consider the limited extent of private outdoor space would be insufficient to meet the wide range of activities that future occupiers of a dwelling of the size proposed are likely to wish to partake in. I therefore conclude that the proposal would not provide satisfactory living conditions for future occupiers. As such, the proposal does not accord with Policy DM1 of the CS or sub paragraph

130 (f) of the Framework, which require development to have regard to the provision of adequate external amenity space and to secure high quality living conditions for future users.

Other considerations and planning balance

16. The appellant draws upon a planning permission granted in September 2013, Ref 102424/FO/2013/S1, (PP102424), in support of the proposal. The appeal proposal is identical or almost identical to the scheme approved under PP102424. The appellant contends that the appeal proposal does not materially differ to the approved scheme, and that there are no material differences with regard to the site circumstances or local planning policies. As such, the appellant questions the Council's decision to refuse the proposal.
17. I appreciate the appellant's frustration and accept that PP102424 is a material consideration in determining the appeal. However, as it is around 8 years since PP102424 was approved, and it can therefore no longer be implemented, I attach little weight to it. I cannot account for the Council's reasoning and decision-taking regarding PP102424; though I note that it is a decision I would not have reached. Additionally, although there may not have been any changes to local planning policy since the determination of PP102424, there have been changes to national policy and guidance, for example the publication of the National Design Guide and revisions to the Framework, which have emphasised the importance of high-quality design in the creation of place.
18. The proposal would provide an additional dwelling, which would make a minor contribution to the housing needs of the area, and there would be minor economic benefits associated with the construction phase. However, these minor benefits do not outweigh the significant harms I have found in respect of the effect of the proposal on the character and appearance of the area, the living conditions of existing occupiers and the provision of unsatisfactory living conditions for future users.

Conclusion

19. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR