



Appeal Decision

Site visit made on 15 March 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/B4215/W/21/3287406

22A Edge Lane, Chorlton, Manchester M21 9JF

- 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 Aakib Haq against the decision of Manchester City Council.
 - The application Ref 129857/FO/2021, dated 26 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the proposed demolition of existing garage on site and construction of new small housing unit. Two storey house with ground floor living area and 2 bedrooms above.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form gives the address of the appeal site as Land between 22 Edge Lane and Wilbraham Road. The Council's decision notice refers to 22A Edge Lane, Chorlton, Manchester, M21 9JF. I have adopted this address as it more accurately describes the appeal site as it is shown on the submitted location plan.

Main Issues

3. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Wilbraham Road/Edge Lane Conservation Area, and the effect of the proposed development on the living conditions of occupiers of 655 Wilbraham Road, with particular regard to outlook and loss of privacy.

Reasons

The Wilbraham Road/Edge Lane Conservation Area (CA)

4. The two aforementioned roads are a key gateway into the CA from the west. The significance of the CA is derived in part from large detached and semi-detached properties set back from the highway within spacious plots, often containing mature trees and hedging along their frontage. There are also numerous architecturally impressive buildings which have a close relationship with and follow the historic road layout, resulting in a generally linear form of development.
5. Although partially screened by the existing single storey garage on the appeal site, trees, and overgrown vegetation, views of the west gable elevation of No 655 Wilbraham Road, including its feature window at first floor level, are still

possible. Due to the openness of the land immediately to the west of the site, No 655 and its west gable elevation represent a prominent feature when entering the CA along Wilbraham Road from the west. Its traditional features and appearance along with surrounding trees and planting contribute positively to the CA.

6. Whilst the objective of ensuring that views of the west gable elevation of No 655 and its associated high quality traditional features would be partially achieved, the proposed development would still introduce a significant amount of built development in front it. Despite having a marginally lower ridge height and a footprint substantially less than No 655, by virtue of its siting and location the proposed development would appear a visually interruptive feature in the street scene. It would further appear somewhat contrived and thus confused through the use of a part single and part two storey design.
7. The existing single storey garage on the appeal site is in poor condition and as such does not contribute positively to the character of the CA. Indeed, it is largely inconspicuous due to trees and overgrown vegetation. However, that would not justify the proposed dwelling and the harms it would cause as I have identified them.
8. Due to the triangular shape of the plot, the appeal site's frontage onto Wilbraham Road would be particularly narrow, with it only just capable of accommodating access for a vehicle. The narrow nature of the site would also result in there being little distance between the side elevations of the proposed dwelling and the site's boundaries. As a result, the proposed dwelling would appear a cramped and uncomfortable form of development which would be further at odds with the prevailing character of the area.
9. Consequently, the proposed development would fail to preserve or enhance the character or appearance of the CA. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of development on a designated heritage asset, great weight should be given to the asset's conservation. Whilst the harm I have identified would be less than substantial, it nevertheless is of considerable importance and weight. Paragraph 202 of the Framework requires this harm to be weighed against the public benefits of the proposal.
10. There would be benefits to the local economy through the construction process, and the provision of one new dwelling to the local housing supply, however these benefits would be modest due to the small scale of the development. The proposal would also see the development of a currently un-used and overgrown site which would be beneficial to visual amenity more generally. That said, such an environmental improvement would not necessarily be dependent on the appeal scheme, nor is there any compelling evidence before me pertaining to anti-social behaviour. The appellant states that the proposed dwelling would also be built to modern standards assisting in carbon reduction and energy efficiency, in a suitable location with good transport links. This would be a laudable approach and as such worthy of moderate weight.
11. When taken together however, and for the reasons I have given, the weight I would ascribe to the public benefits would not be sufficient to outweigh the harms I have found to the CA which, as I have explained, carries considerable importance and weight.

12. Therefore, in regard to this main issue, the proposed development would conflict with Policies SP1, EN3 and DM1 of Manchester's Development Framework Core Strategy Development Plan Document (2012) (CS), and saved Policy DC18.1 of the Unitary Development Plan for the City of Manchester (1995) (UDP). These policies seek, amongst other things, to ensure that developments are of appropriate design, scale and appearance which will preserve or, where possible, enhance the historic environment.
13. The Council's decision notice also refers to conflict with saved Policies DC1.1, DC1.2, DC1.3 and DC1.4 of the UDP. However, these policies relate to the extension of residential properties and are therefore not relevant to the appeal proposal.

Living Conditions

14. The proposed dwelling would be situated approximately 1.5 metres away from the western elevation of No 655. Whilst this is around 0.6 metres further away than the existing single storey garage, the proposed dwelling would be a larger structure and part two storey. The western elevation of No 655 contains a circular feature window at first floor level, and a wide, short high-level window at ground floor level.
15. As the first floor of the proposed dwelling would be set back, the two-storey element would not be located directly in front of the feature window on the first-floor west elevation of No 655. Whilst oblique views of the proposed development would be possible, given the distance that the two-storey element would be set back from it, I do not consider that the development would be overbearing or have an undue impact on outlook from the feature window.
16. The wide, short window at ground floor level of No 655 would be in close proximity to the gable wall of the proposed development, however given its size and high-level nature, the proposed development would not be overbearing or have a significantly detrimental effect upon outlook. Its size and high-level nature also mean that views out onto the appeal site are not possible. Equally, the proposed ground floor windows on the east elevation of the proposed dwelling would not afford views into the high-level window, thus not resulting in a loss of privacy for occupiers.
17. The proposed dwelling would also include a window at first floor level on the eastern elevation, and whilst views of the high level ground floor window at No 655 would be possible, by virtue of its short nature and the acute angle between the windows, I do not consider that it would result in an unacceptable impact on privacy. In any event and as suggested by the appellant, this first floor window could be removed or obscurely glazed which would ensure that no views at all would be afforded.
18. Due to the lack of windows at first floor level in the north elevation of the proposed dwelling and the relationship between the two buildings, the development would also not give rise to any undue loss of privacy in relation to either the first-floor feature window or the rear amenity space of No 655.
19. For these reasons, the proposed development would not harmfully change the living conditions of occupiers of No 655. Therefore, in regard to this main issue, the development would accord with Policies SP1 and DM1 of the CS which seek,

amongst other things, to ensure developments do not have an adverse effect on amenity including privacy.

Other Matters

20. The appellant has alluded that the refusal of the appeal proposal may have interfered with their Human Rights, considering the previous approval and subsequent construction of a two storey rear extension at No 655. I have had regard to the rights conveyed within the Human Rights Act 1998, including Article 6 where appellants and other interested parties have a right to a fair hearing and that full consideration is given to their comments. Article 8 and Article 1 of the First Protocol which confers a right of respect for a person's home and a right of peaceful enjoyment of one's possessions including a person's home and their assets.
21. However, those rights are qualified and my role in this appeal is to ensure that any interference with those rights is necessary and proportionate, when also taking into account the wider public interest. In respect of this matter, the dismissal of the appeal is considered a proportionate and necessary approach to the legitimate aim of ensuring that the CA is preserved or enhanced.
22. There are areas in which the scheme would be acceptable such as, for example, access and parking. Whilst this may be so, it would be a lack of harm in each case and thus incapable of weighing against harm.

Conclusion

23. I have identified that the proposal would neither preserve nor enhance the character or appearance of the CA. Whilst the development would be acceptable in terms of its effect upon the living conditions of occupiers of No 655 and would not result in any further harm being caused, this is of neutral effect and as such would be incapable of outweighing the great weight that I am required to give to the conservation of the designated heritage asset.
24. The proposal would conflict with the development plan and there are no material considerations, including the approach of the Framework and worthy of sufficient weight, that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR