
Appeal Decision

Site visit made on 29 June 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2022

Appeal Ref: APP/B4215/W/22/3293971

133-135 Kenyon Lane, Manchester M40 9DL

- 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 Rose against the decision of Manchester City Council.
 - The application Ref 132035/FO/2021, dated 25 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is new build bungalow.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site is a triangular parcel of land forming a side garden to the dwelling of 133-135 Kenyon Lane. It is situated between the highways of Kenyon Lane and Deanway and is contained by a decorative brick wall with mature hedgerow above. A mature tree is also located within the existing garden. The site therefore forms an undeveloped, green parcel of land which contributes positively to the spaciousness of the street scene, providing relief in an otherwise built-up area.
4. The dwellings along this section of Kenyon Lane including No 133-135 have small frontages. Although the proposed dwelling would more or less follow the front and rear building lines, in contrast to the neighbouring dwellings, there would be very little separation distance between it and the front and rear boundaries of the site. Notwithstanding the fact that No 133-135 would continue to have a small rear garden, the proposal amounts to the overdevelopment of the site as the proposed dwelling would appear as a cramped and uncomfortable form of development, that would erode the spaciousness of the site. The garden to the proposed dwelling would further be awkward and constricted.
5. The hedgerow to the front and rear boundaries provides a green frontage to the site that would partially screen the proposed development. However, there is no guarantee that it would remain in the future. A section of boundary wall and hedgerow are to be removed as part of the proposal, enabling the proximity of the proposed dwelling to the boundary to be evident from within the street scene. The small one-bedroomed bungalow would be bland and

utilitarian in order to fit the site, rather than adding visual interest to the street scene.

6. It is claimed that the appeal site is land left over after planning. The land was purposefully included as a side garden to No 133-135, evident from the enclosing decorative boundary wall that matches the other dwellings within the row. The dwellings at each end of the row form corner plots, benefitting from a tapered side garden where Deanway meets Kenyon Lane. Likewise, the dwellings opposite at the junction with McConnell Road occupy more generous corner plots with deeper frontages and wider side gardens or driveways. As a result, the appeal site has an important function along with other corner plots, in contributing to the spaciousness of the street scene. It also provides additional outdoor space for the occupiers of No 133-135, given that the area of garden to the rear is limited.
7. The proposal has evolved from a previous iteration, however this does not outweigh my concerns regarding the impact of the proposal before me. Whilst additional land from No 133-135 may have been provided, the relationship of the dwelling to its boundaries and the wider street scene has not been satisfactorily addressed.
8. The proposed development would cause harm to the character and appearance of the area. The development would conflict with Policies SP1, EN1, H1 and DM1 of Manchester's Local Development Framework Core Strategy Development Plan Document (2012) which seek, amongst other things, to ensure high quality developments that have appropriate siting, layout and scale with regard to the character of the surrounding area. These objectives are shared with the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) and Manchester Residential Quality Guidance (2017). The proposal would further fail to comply with paragraph 134 of the National Planning Policy Framework, which requires high-quality design that responds to local character and reflects the identity of the surroundings.

Other Matters

9. The scheme would make efficient use of a site and boost housing provision in an accessible location, close to a district centre. However, the benefits from one new home, contributing to the passive surveillance of the street and local economy would be modest. Although the side garden may be superfluous to the needs of the appellant, it does not follow that the site is suitable for a dwelling, given the harm identified to the character of the area.
10. Reference is made to a fallback position of erecting a large outbuilding, akin to the size of the proposed dwelling, on the appeal site under permitted development rights. No information has been provided about such an outbuilding, but one would be likely to need to be lower and/or, set further away from the site boundaries to comply with the permitted development criteria. Consequently, the fallback position would be considerably different and the degree of harm less, than the proposal before me. In addition, there is no evidence before me that the appellant would implement these permitted development rights were I minded to dismiss the appeal, given their preference for a new dwelling.
11. The lack of an adverse impact on neighbouring properties and objections from statutory consultees are neutral factors that would not outweigh the harm

identified. The Planning Practice Guidance is clear that pre-application advice cannot pre-empt the democratic decision making process, or a particular outcome in respect of a formal planning application. These matters do not affect my overall findings.

Conclusion

12. For the above reasons, having regard to the development plan as a whole and all other relevant considerations, the appeal is dismissed.

M Clowes

INSPECTOR