



Appeal Decision

Site visit made on 14 June 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22nd July 2022

Appeal Ref: APP/B4215/W/21/3284140

14 Sandhurst Road, Didsbury, Manchester, M20 5LR

- 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 Stephen Nuttall against the decision of Manchester City Council.
 - The application Ref 129687/FH/2021, dated 11 March 2021, was refused by notice dated 13 July 2021.
 - The development proposed is erection of a double garage to the front of the property accessed by the existing entry to the property.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal and they were subsequently revised to correct errors and inconsistencies. The revised scheme (drawing ref 0235_00_203 rev B) would reduce the height of the garage. The Council has been provided with the opportunity to comment on the amended scheme through the appeal process. I am satisfied that no third party interests would be prejudiced by my taking account of the amendments in my determination of the appeal.
3. As the proposal is in a conservation area, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Main Issues

4. The main issues are the effects of the proposal on:
 - i) The character and appearance of the area, with particular reference to the Didsbury St James conservation area; and
 - ii) The living conditions of the occupiers and the neighbouring residential occupiers, with particular reference to outlook, light and enclosure; and
 - iii) Whether the amended plans overcome the reasons for refusal.

Reasons

Character and appearance

5. No 14 is a large detached 2 storey dwelling that forms part of a short row of substantially similar red brick properties with matching 2 storey front gable features. Properties are set back from the road behind tall brick boundary walls with automated sliding gates. The inner properties, Nos 12 and 14, are a matching pair both with undeveloped frontages. The properties at either end of the row, Nos 10 and 16, mirror one another and their forward projecting pitched roof garages effectively 'book end' the group.
6. Sandhurst Road is within Didsbury St James Conservation Area (the CA), which covers an extensive area of land including the historic settlement and buildings, many of which are listed, and areas of parkland. Building styles and materials vary, but the prevailing use of red brick and slate results in a cohesive townscape. The area is characterised by substantial detached dwellings set back from the street in well vegetated plots with boundary walls and hedges. The mature garden planting, street trees and the larger groups of trees and woodland areas result in a well-wooded and leafy townscape. The significance of the CA derives in part from the historic townscape and its architectural qualities and the verdant gardens and open areas.
7. The appeal property group is a contemporary development on the site of the former Didsbury Campus of Manchester Metropolitan University. The evidence indicates that it is 1 of several clusters of dwellings that are well related to the surrounding built environment, including designated heritage assets. Based on the evidence, the appeal property and the group make at least a neutral contribution to the significance of the CA.
8. The proposal would be a detached single storey flat roof garage to the front of No 14. The garage would be sited close to the front boundary and the footway and it would be close to the shared side boundary wall.
9. The proposal subject of the planning application would be more than 1m taller than the boundary walls. By virtue of its size, height and siting, the garage would be a prominent and conspicuous feature. It would be out of keeping and it would disrupt the uniformity of the group of properties with their matching frontages. Notwithstanding it would be finished in materials to match, it would be poorly related to the surrounding built environment.
10. There are garages to the front of Nos 10 and 16. However, the matching pitch roof garages are an integral part of the design of the group and they delineate the outer extents of this cluster of dwellings. In contrast to the proposal, they make a strong positive contribution to local distinctiveness and sense of place.
11. The significance of a CA is dependent upon how it is experienced. Case law has established that proposals must be judged according to their effect on the CA as a whole and must therefore have a moderate degree of prominence. In this case, as the proposal would be clearly visible from the public domain it would be capable of harming the wider character or appearance of the CA. Therefore, I find that the proposal would fail to preserve the significance of the CA. This matter attracts considerable importance and weight in the planning balance.
12. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of designated

heritage assets. Taking into account the nature and scale of the proposal, I find the harm to the heritage asset to be less than substantial but nevertheless of considerable importance and weight. Paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal. The garage would be a private benefit and there is little evidence that any public benefits would accrue in relation to the CA. The private benefits would not outweigh the harm that I have found.

13. Taking into account the above, and in the absence of any defined public benefit, I conclude that on balance the proposal would fail to preserve the character or appearance of the Didsbury St James Conservation Area. This would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. It would also conflict with saved policies DC1.1, DC1.2 and DC18 of the Unitary Development Plan for the City of Manchester Adopted July 1995 (the UDP) and policies SP1, DM1 and EN3 of Manchester's Core Strategy Development Plan Document Adopted July 2012 (the CS). These require, among other things, that development makes a positive contribution to the area and that it at least preserves the historic environment including conservation areas, having regard to matters including scale and siting and its relationship to the surrounding built environment. For this reason, the proposal would not be in accordance with the development plan.

Living conditions

14. The garage would be sited close to the side boundary with No 16 and it would be more than 1m taller than the boundary wall. By virtue of its size, height and proximity, there would be a marked increase in the extent of built development along the boundary. In combination with the neighbouring double garage and the existing tall boundary walls, the proposal would significantly enclose the neighbours' front garden. Furthermore, the plans indicate that the rear elevation of the garage would be nearly flush with the neighbouring front elevation. By virtue of height and proximity, it would be overbearing and it would diminish the outlook from the closest neighbouring ground floor habitable room window.
15. The plans illustrate that the garage walls would finish above the height of the ground floor windows in not only the neighbouring property but also the appeal property. As the garage would be less than 3.5m from the facing ground floor window in No 14, it would result in a reduction in natural light and a poor outlook from this presumably habitable room window. While this might be acceptable to the appellant, nevertheless it would be detrimental to the future occupiers of the appeal property.
16. Therefore, the proposal would harm the living conditions of the neighbouring and future residential occupiers of the appeal property, with particular regard to outlook, light and enclosure. It would conflict with saved UDP Policies DC1.1 and DC1.2 and CS Policies SP1 and DM1. These require, among other things, that development makes a positive contribution to the health and wellbeing of residents, that it has regard to effects on amenity and it avoids undue loss of light. It would also conflict with the residential amenity aims of the Framework.

The amended plans

17. The amended plans would reduce the height of the garage such that it would extend above the boundary walls by only perhaps 0.4-0.5m. This would reduce

the impact on the neighbouring residential occupiers but it is not clear that it would significantly reduce the adverse impact on the facing habitable room window of the appeal property.

18. The reduction in the height of the garage would reduce its visual impact on the street scene. Nevertheless, by virtue of its large footprint and siting close to the front and side boundary, the upper parts of the walls and roof parapet would still be visible. Albeit to a lesser degree than the original proposal, it would be a discordant feature that would disrupt the uniformity of the group.
19. The reduction in the height of the amended scheme would be achieved by setting the garage below ground level. This would require excavations within the root protection area of the nearby street tree. The submitted arboricultural impact assessment relates to the proposal subject of the planning application and it has not been updated to assess the impact of the amended plans. It has not been demonstrated that the tree could be retained if the amended scheme was implemented or that there would otherwise be replacement planting.
20. The assessment of proposals under CS Policy DC18 requires consideration not only of the relationship of the proposal to neighbouring buildings and spaces, but also the desirability of retaining street trees. The Framework also acknowledges the important contribution that trees make to the character and quality of urban environments and their role in helping mitigate climate change. In the absence of further information, the amended scheme fails to demonstrate that it accords with relevant national and local policies.

Other Matters

21. I acknowledge that the appellant has sought to amend the plans to overcome the concerns of the Council in relation to the visual impact on the street scene and neighbouring properties. However, the amendments raise additional concerns in relation to impacts on street trees and therefore the visual amenity of the area and the CA. The appellant's willingness to work proactively with the Council to find an acceptable solution does not weigh in favour of the scheme.

Conclusion

22. For the reasons set out above, the original proposal and the amended plans would conflict with the development plan and there are no material considerations that would outweigh that conflict.
23. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR