



Appeal Decision

Site visit made on 6 September 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2022

Appeal Ref: APP/B4215/W/22/3298650

Land Adjacent to 10 Spring Bridge Road, Manchester M16 8PL

- 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 Mrs S Zakir against the decision of Manchester City Council.
 - The application Ref 132330/FO/2021, dated 25 November 2021, was refused by notice dated 2 March 2022.
 - The development proposed is erection of single storey dwellinghouse with associated car parking, amenity space and other works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey dwellinghouse with associated car parking, amenity space and other works at land adjacent to 10 Spring Bridge Road, Manchester M16 8PL in accordance with the terms of the application, Ref 132330/FO/2021, dated 25 November 2021, and the plans submitted with it, subject to the conditions in the attached schedule:

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form, which is different to that in the Council's decision notice. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area; and,
 - The living conditions of the occupiers of No.4 Manley Road, with particular regard to outlook

Reasons

Character and appearance

4. The site is a former garden belonging to 2 Manley Road (No.2), which has now been fenced off as a separate parcel of land. It sits between No.2, a large two storey property with dormers to the front and rear, accommodating 6 flats, and 10 Spring Bridge Road, a detached dormer bungalow. The area is predominantly residential with a mixed character arising from the variety of property styles, sizes and ages. Properties along Manley Road and to the

western side of Spring Bridge Road, between Manley Road and Demesne Road are older, larger dwellings amidst mature trees with dense canopies. To the immediate eastern side of Spring Bridge Road, there is a more consistent building line of two storey semi-detached dwellings with a less verdant character. Garden sizes in the area vary significantly.

5. The proposed dwelling would be sited in line with the imposing gable elevation of No.2 and the front projecting single storey element of 10 Spring Bridge Road (No.10). It would also replicate the front building line of Nos.2,4 and 6 Spring Bridge Road. As such, it would not project forward of the established building line along this side of the road. Moreover, although the proposed dwelling would be significantly smaller in scale than No.2, it would reflect the materials, design and proportions of the adjoining dwelling at No.10. A gap would also be retained on either side of the proposed dwelling respecting similar spacings along the street.
6. Whilst I note the depth of the proposed rear garden would not be consistent with its neighbours, shorter gardens on corner plots are relatively common in the area and in this context, the proposed development would not be out of character with the area. In coming to this conclusion, I have also had regard to a previous appeal decision on the site which was dismissed in 2016¹, the details of which have been provided by both main parties.
7. Although the dwelling proposed in that case was larger, the Inspector considered the reduced garden to No.2 and the relatively small garden proposed for the appeal dwelling would not be out of character in the context of comparable examples of short gardens on some corner plots in the surrounding area. I have given this decision significant weight in my considerations since the details of the proposed rear garden depth are alike. A further previous appeal decision on the site has also been provided to me by the Council²; however, that case was determined prior to the Framework³ and involved four proposed dwellings, therefore it is not directly comparable.
8. I conclude that the proposed development would not harm the character and appearance of the area. It would accord with the design and character aims of Policies EN1 and DM1 of the Manchester Core Strategy Development Plan Document 2012 to 2027 (CS), the Guide to Development in Manchester Supplementary Planning Guidance, the National Design Guide and the Framework.

Living conditions

9. The proposed dwelling would be sited close to the rear garden boundary, which adjoins the rear garden to No.4, which contains a number of mature trees. The Inspector in the case of the previous appeal decision considered that the three storey element of the proposal would result in an overbearing effect, harming the enjoyment of the rear garden space belonging to occupants of No.4. However, the proposal now before me has been substantially reduced in height to a single storey dwelling incorporating front and rear dormers set well below the flat roof ridge of the roof.

¹ APP/B4215/W/16/3147189

² APP/B4215/A/07/2039145

³ National Planning Policy Framework

10. Although the proposed dwelling would be clearly visible to occupants of the garden area of No.4 and would cause a reduction in the openness of the outlook experienced from within the garden, the proposal would not appear overbearing due to the modest height of the dwelling and its position towards the rear of the garden. Furthermore, the presence of a mature tree close to the boundary would screen much of the proposed dwelling during the summer months and other mature trees within the garden would limit any sense of enclosure. Owing to the overall size of the rear and side garden at No.4 I find the introduction of the proposed dwelling close to part of the rear garden would not significantly harm the enjoyment of this outdoor space.
11. In support of its case, the Council has referred me to an appeal decision and accompanying plans for a nearby site that was recently dismissed⁴. However, the circumstances of this case differ because the proposal was for a pair of three storey semi-detached dwellings on the site. It is therefore of limited weight.
12. For the above reasons, I find that the proposal would not be overbearing or harm the living conditions of the occupiers of No.4 Manley Road, with particular regard to outlook. It would therefore be consistent with Policy DM1 of the CS and the Framework which seek, amongst other things, to protect the effect of development on surrounding areas.

Other Matters

13. For the reasons set out in the formal decision, the Council consider the principle of the proposed development would be unacceptable due to the characteristics of the proposal in the context of the site. However, as I have explained above, I find the proposal would be acceptable with regards the effect on the character and appearance of the area and living conditions of occupants of the neighbouring property. Consequently, and having no evidence to the contrary, I am satisfied the principle of development within the built-up residential area of Manchester would be in conformity with Policies SP1 and H6 of the CS and the broad aims of the Framework.
14. Both parties agree that the Council can demonstrate a five year supply of housing land. Accordingly, there is no need for me to address this matter in further detail.
15. At the time of my site visit, which I appreciate is only a snapshot in time, while there was some on-street parking taking place, there were spaces available in the vicinity of the site. Although I note there is a park at the end of the street and a school nearby, the proposal would include off-street parking for two vehicles. No objections were raised by the Highway Authority to the proposal with regards highway safety and a number of conditions were suggested. I also note the proposed development would require relocation of a street-light, which would be dealt with through other legislation. No evidence has been submitted to substantiate the claim that the construction of the proposal would cause increased structural movement within neighbouring dwellings.
16. I acknowledge that the appeal site formed part of the garden area belonging to occupiers of No.2. Nonetheless, whilst a garden, the site fronts Spring Bridge Road and is therefore located within in a different context to many surrounding

⁴ APP/B4215/W/19/3233566

rear gardens. Although a fence has been erected around the site and it appears overgrown, this has not been persuasive in my consideration of the appeal proposal, which I have assessed on the main issues.

17. Due to the separation distance between the proposed dwelling and surrounding properties, together with the height of the dwelling, I have no reason to disagree with the Council's view that the proposal would not be detrimental to the living conditions of occupiers of neighbouring dwellings with particular regard to light and privacy. No objection was raised by United Utilities to the proposal and conditions securing the provisions of the final details of drainage are imposed.

Conditions

18. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the Framework and the Planning Practice Guidance (PPG)⁵ in terms of the use of planning conditions. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. In addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings as this provides certainty.
19. Due to the former presence of a garage of unknown construction on the site, a ground contamination condition is imposed. For clarity, and given the proximity of the proposed dwelling to neighbouring mature trees, I have reworded the suggested condition requiring their protection during construction. Details of drainage are required to prevent flooding. These conditions are necessary prior to the commencement of development as features and underground works may be affected by early parts of the development.
20. To protect the character and appearance of the area and reduce the risk of crime, conditions requiring details of external materials and secured by design accreditation is necessary. To ensure the living conditions of occupiers of No.4 are protected with regards privacy, a condition requiring obscure glazing to first floor rear windows is necessary.
21. Provision of electric vehicle charging points and cycle storage is conditioned to facilitate sustainable transport options. Provision of off-street parking is necessary in the interests of highway safety.
22. I have given careful consideration to use of a restrictive conditions, having regard to the PPG's advice on the inclusion of such conditions. I find the Council's suggested condition restricting use of the property as a private dwelling and for no other use within Use Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) unnecessary. Whilst policies of the CS and the Framework are referred to, I have concluded that the proposal complies with relevant policies in so far as they relate to the main issues. Having regard to the scale of the proposed dwelling and advice within the PPG, I have been presented with no evidence to suggest the restriction of occupation is necessary. The Council have other means of restricting occupancy within specific locations of the Borough if considered necessary.

⁵ PPG Paragraph: 003 Reference ID: 21a-003-20190723; revision date: 23 07 2019

23. However, given the ratio of building to outdoor space, the character and appearance of the area and the close proximity of the dwelling to the rear boundary, I consider the Council's suggested condition restricting further built development to be necessary.

Conclusion

24. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Veevers

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:
Location Plan 9722/001 Revision D
Existing and Proposed Site Plans 9722/101 Revision D
Proposed Floor Plans and Elevations 9722/121 Revision D
Existing and Proposed Spring Bridge Road Street Scenes 9722/131 Revision E
Tree Protection Plan Arbtech TPP 01
- 3) No development shall commence until a report (the Preliminary Risk Assessment) to identify and evaluate all potential sources and impacts of any ground contamination, groundwater contamination and/or ground gas relevant to the site has been submitted to and approved in writing by local planning authority. The Preliminary Risk Assessment shall conform to City Council's current guidance document (Planning Guidance in Relation to Ground Contamination).
 - In the event of the Preliminary Risk Assessment identifying risks which in the written opinion of the Local Planning Authority require further investigation, the development shall not commence until a scheme for the investigation of the site and the identification of remediation measures (the Site Investigation Report) has been submitted to and approved in writing by the local planning authority.
 - The measures for investigating the site identified in the Site Investigation Report shall be carried out, before construction of the dwelling hereby approved and a report prepared outlining what measures, if any, are required to remediate the land (the Remediation Strategy) which shall be submitted to and approved in writing by the local planning authority.
 - In the event of the Site Investigation report identifying any measures required to remediate the site, the development shall be carried out in accordance with the previously agreed Remediation Strategy and a Completion/Verification Report shall be submitted to and approved in writing by the local planning authority.
 - In the event that ground contamination, groundwater contamination and/or ground gas, not previously identified, are found to be present on the site at any time before the development is occupied, then development shall cease and/or the development shall not be occupied until, a report outlining what measures, if any, are required to remediate the land (the Revised Remediation Strategy) is submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the Revised Remediation Strategy, which shall take precedence over any Remediation Strategy or earlier Revised Remediation Strategy.
- 4) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved Arboricultural Method Statement, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5387 (Trees in relation to construction).

If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and Arboricultural Method Statement before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

For clarification, "retained tree" means an existing tree, shrub or hedge which is to be as shown as retained on the approved plans and Arboricultural Method Statement; and paragraphs (a) and (b) above shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

- 5) No development shall commence until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - b) include a timetable for its implementation; and,
 - c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Prior to their use, details/samples and specifications of all materials to be used on all external elevations of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 7) Prior to the occupation of the development hereby approved details of the measures to be incorporated into the development to demonstrate how Secured by Design accreditation will be achieved shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 8) Prior to the occupation of the development hereby approved the first floor windows in the rear elevation of the dwelling shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.
- 9) Prior to the occupation of the development hereby approved details of the measures to be incorporated into the development to allow for the provision of electric vehicle charging points shall be submitted to and approved by the local planning authority. The measures shall be provided as agreed prior to the first occupation of the development and thereafter maintained in accordance with these details.
- 10) Prior to the occupation of the development hereby approved details of a scheme for cycle parking facilities within the curtilage shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided as agreed prior to the first occupation of the development and thereafter maintained in accordance with these details.
- 11) The car parking hereby approved shall be laid out, demarcated and made available prior to the occupation of the development hereby approved.
- 12) 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 garages, outbuildings or extensions shall be erected other than those expressly authorised by this permission.

End of Schedule