



Appeal Decision

Site visit made on 20 October 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/B4215/W/22/3299582 310 Wilmslow Road, Manchester M14 6XQ

- 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 Ben Hourahine against the decision of Manchester City Council.
 - The application Ref 132914/FO/2022, dated 11 February 2022, was refused by notice dated 6 April 2022.
 - The development proposed is to retain outdoor covered seating area, and associated works'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of surrounding residents, with particular regard to noise and disturbance.

Reasons

Character and appearance

3. The site is a two storey entertainment and hospitality venue with front forecourt in an area of commercial and residential uses. It forms part of a small terrace set back from the pavement. At street level this terrace comprises commercial units with a variety of frontage designs. These sit largely flush with the front elevation of the property, allowing the more traditional architecture of the upper floors to be experienced.
4. An outdoor seating area is located to the front of the property, enclosed by timber posts, removable timber sides and a polycarbonate roof. This extends into the forecourt and spans almost the entire width of the property. It has a somewhat open nature due to the slatted sides and translucent roof. However, due to its prominent corner plot alongside other forecourts that are largely free from built form, it reads as sizeable and dominant in the streetscene.
5. Even acknowledging the varied frontage of the terrace and the wider mix of surrounding properties, the overall design of the seating area appears out of place. While other shopfronts feature wooden elements, the covered seating area is the first example of a timber structure of this scale and nature along the front elevation. Combined with the polycarbonate roof, a material that is

not common within the setting, the design overall fails to harmonise with the host property or the surrounding development, appearing incongruous.

6. While the timber structure does not completely block views of the property, its scale and design lend a busy appearance to this section of the street. This serves to detract from the appearance of the building as a whole, including the traditional architecture of the upper floors, by creating an overall jarring and discordant design at the property.
7. I note the appellant's willingness to conditions requiring the structure to be painted grey, with no side screens to ensure visibility. Nevertheless, it would remain a dominant and incongruous feature along more open forecourts, such that these conditions would do little to address the harm caused.
8. For the reasons given above, I find that the proposal would result in significant harm to the character and appearance of the surrounding area. In this regard, it would fail to comply with Policy DM1 of the Manchester Core Strategy 2012 to 2027, which seeks to ensure that development has regard to the character of the area and is of appropriate scale, materials and detail.

Living Conditions

9. The site forecourt has been used as an outdoor customer space for some time. However, by installing a cover this is a more attractive area for customers. This likely leads to an increase in use, giving rise to activities such as talking, comings and goings, and moving chairs for a more frequent and prolonged period of time. Due to the potential for customers to be in high spirits, these are likely at a high volume.
10. The noise generated by such activities would be particularly prevalent at certain times, such as during summer months, with the structure itself doing little to contain it. In such periods the outdoor area is likely to attract a greater number of people during the day and later into the evening when, due to warmer weather, neighbouring residents are more likely to have their windows open. While the upper floors of the appeal property are not residential, such uses are present in close proximity.
11. I am mindful of the comments from interested parties regarding the noise levels of both the appeal site and surrounding premises, including that coming from external speakers. However, it remains that the area comprises a range of uses, including night time uses. Other food and drink establishments with outdoor seating are present, two of which are particularly close to the site. As such, noise from evening activities is to be expected within the area, including noise of a similar nature to that generated by the proposal.
12. The appeal property opens daily until 01:00, and I note a recent application to extend this was refused for reasons relating to noise. However, the appellant has stated its willingness to a condition that the outdoor area would not be in use past 23:45. Such hours would align more closely with the operation of the two nearby establishments with outdoor seating areas.
13. In this context, noise generated by the proposal would not appear out of place. It would not be experienced in isolation so as to result in undue levels of disturbance to nearby occupiers but would assimilate with the noise generated by surrounding uses, including late into the evenings. The appellant is also agreeable to a condition restricting the use of amplified music, which

would further limit the noise impacts and ensure the proposal does not result in undue disturbance above that to be expected in such mixed surrounds.

14. For the reasons given I find that, subject to the imposition of the conditions referred to above, the development would not have a significant adverse effect on the living conditions of surrounding residents, with particular regard to noise and disturbance. In this regard, it would comply with Policies DM1, C10 and SP1 of the Manchester Core Strategy 2012 to 2027 and saved Policies DC10 and DC26 of the Manchester City Council Unitary Development Plan, which seek to ensure that development, including evening and food and drink uses, does not create an unacceptable impact in terms of noise.

Other Matters

15. The covered seating area allows the appellant to maximise outdoor space, enabling the business to function in all weathers. I am also mindful of the changing nature of high streets and the opportunity for these to become social hubs, in addition to the changes to hospitality because of the COVID-19 pandemic, which the proposal seeks to address. This weighs in favour of the proposal. However, I consider that the same benefits could be addressed in an alternative manner that would not result in such harm to the character and appearance of the surrounds.
16. The appellant has referred to other outdoor seating areas within the wider surrounds. However, these differ from the proposal in scale, setting and design. Each scheme is assessed on its own site specific circumstances and the examples cited by the appellant are not sufficiently comparable that I can attach significant weight to them.

Planning Balance and Conclusion

17. I have concluded that the proposal would not result in significant harm to the living conditions of surrounding occupiers, with particular regard to noise and disturbance, and have identified benefits of the proposal in maximising the use of the site during a time of change to hospitality and social interactions. However, this would be outweighed by the significant harm that the proposal would cause to the character and appearance of the area. I have had regard to the other concerns expressed locally but they have not led me to reach a different overall conclusion.
18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR