



Appeal Decision

Site visits made on 30 November 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/B4215/W/22/3304754 40 Hilldale Avenue, Manchester M9 6PP

- 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 Faisal Mahmood against the decision of Manchester City Council.
 - The application Ref 133334/FO/2022, dated 25 March 2022, was refused by notice dated 22 June 2022.
 - The development proposed is the erection of a dwellinghouse (Use Class C3a) to the rear of 40 Hilldale Avenue with associated car parking together and change in site levels together with modifications to access, boundary treatment and creation of hardstanding for car parking associated with 40 Hilldale Avenue following demolition of existing garage
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, which more accurately and succinctly describes the proposal than the application form.

Main Issues

3. The main issues are the effect of the development on: the character and appearance of the host dwelling and surrounding area; and the living conditions of occupiers of surrounding dwellings with regards to noise and disturbance, outlook and privacy.

Reasons

Character and Appearance

4. The site is to the rear of No. 40 Hilldale Avenue, a single storey dwelling located on the southern side of the street close to the junction with Rochdale Road. The properties along Hilldale Avenue differ in scale and design but share a largely consistent building line fronting the street, sited in sizeable plots with long rear gardens. The wider area retains a residential nature, with dwellings and associated gardens surrounding the site in all directions.
5. Due to the topography of the site, the proposed dwelling would be at a lower level than the properties along the frontage of Hilldale Avenue in a similar manner to other dwellings in the area. Although two storey in nature, viewed from the north it would be read as a single storey building that would reflect

the bungalow form of No. 40. The monopitched roof, while not common among dwellings in the immediate locality, would ensure the roof form of the proposal would not be a dominant or unduly bulky feature in this backland position.

6. Nevertheless, the siting of the proposal would be out of keeping with the general pattern of development in the area. The main parties agree that the proposal is backland development. Behind the linear built form along Hilddale Avenue its position would be uncharacteristic among the residential dwellings of the street. It would be in marked contrast to the prevailing pattern of road frontage housing with a broadly consistent building line, resulting in an incongruous addition in the immediate locality.
7. Although views of the property from Hilddale Avenue would be limited, it would be evident from rear views of surrounding properties, where it would appear out of place. While the appellant has referred to extensions and outbuildings in the surrounds, and the possibility for these to be erected under permitted development rights, I saw no signs of backland development similar in nature to the proposed dwelling in the immediate vicinity of the site. Overall, the proposal would be at odds with the existing pattern of development.
8. Waste storage would be adjacent to Hilddale Avenue. This is a common feature on the street, such that in itself it would not result in visual harm. Nevertheless, proposed parking would introduce a level of hardstanding and a vehicular opening that would dominate the site frontage. While it would ensure the required parking provision is met and reduce reliance on on-street parking, it would nevertheless highlight the presence of the dwelling, and its incongruous positioning, from Hilddale Avenue. Although similar parking areas may be present in the wider surrounds, this is not common a feature of Hilddale Avenue, where it would read as out of place and further distinguish the proposal within the vicinity, to the detriment of the visual amenity.
9. For the reasons given above, I find that the proposal would have a significant adverse effect on the character and appearance of the surrounding area. As such, it would fail to comply with Policies DC6.1, DC6.2 and DC1.1 of the Unitary Development Plan for the City of Manchester (the UDP) and Policies DM1, EN1 and SP1 of the Manchester's Local Development Framework Core Strategy (the CS), which seek to ensure that development takes account of the character of the area.

Living Conditions

10. In addition to being behind No. 40 Hilddale Avenue, the proposal would be close to the boundaries with No. 38 Hilddale Avenue, No. 34 Coulsden Drive and Nos. 1271 – 1277 Rochdale Road. As such, it has the potential to impact on the living conditions of occupants of these dwellings due to noise from the general activity and comings and goings of future occupiers. Parking for 2 vehicles would also be close to the boundaries with No. 40 Hilddale Avenue and No. 1277 Rochdale Road.
11. However, the proposal relates to the erection of a single dwelling within a wider, established residential area. In this context the extent of the noise and disturbance based on one dwelling and its associated likely activity, including traffic movements, would not be sufficiently high to cause harm to the living conditions of occupants of the neighbouring dwellings.

12. The proposal would be sited on lower ground than No. 40 Hilldale Avenue, with the parking and garden separated by a 1 metre high boundary fence. As a result, no undue overlooking of No. 40 would result from the proposal. In addition, due to its lower siting and fencing it would not read as overbearing from the rear windows or garden of this dwelling. As such, any change in outlook would not be so significant as to harm the living conditions of residents of No. 40 Hilldale Avenue.
13. While views of the proposal would be possible from the rear windows of No. 38 Hilldale Avenue when looking towards the site, the main outlook from No. 38 towards its long, rear garden would remain unchanged. In addition, there would be no windows along the facing side elevation of the proposal, and the balcony would be set back from the boundary, with direct views limited to a small section of the garden of No. 38. Overall, the proposal would not therefore result in harm to the living conditions of residents of this property with regards to outlook and privacy.
14. The proposal would also be close to the boundary with No. 34 Coulsden Drive, with rear windows and a balcony that would provide views in this direction. However, due to the separation distance from the rear elevation of the dwelling at No. 34 Coulsden Drive and screening provided by intervening boundary treatments, there would be no harmful impact on the privacy or outlook of occupiers of this dwelling as a result of the proposal.
15. With regards to Rochdale Road, the proposed dwelling would be set further south than Nos. 1275 and 1277, such that there would be no undue overlooking into the rear gardens or habitable rooms of these properties, or significant change in the outlook experienced by residents. It would be adjacent to the rear garden of Nos. 1271 and 1273 and, due to the sloping nature of the surrounds, would sit at a higher level than the rear gardens of these properties. However, it would have no facing windows in this direction and, due to its western placement, the rear balcony would retain an adequate separation distance from Nos. 1271 and 1273. As such, there would be no undue overlooking of Nos. 1271 – 1277 Rochdale Road.
16. However, even acknowledging the distance of the proposal from the rear windows of Nos. 1271 and 1273, it would read as overbearing. The dwelling and retaining wall would be sited close to the boundary with these properties, on higher ground than their rear gardens. While the roof line is approximately at mid ground floor window level of these properties, the proposal would still be clearly visible in direct views from the rear windows of Nos. 1271 and 1273, where it would read as an imposing element of built form.
17. For the reasons given, I have found that the proposal would not result in harm to the living conditions of residents of Nos. 38-40 Hilldale Avenue, No. 34 Coulsden Drive and Nos. 1271 – 1277 Rochdale Road with regard to noise, disturbance and privacy. I have further found that it would not harm the living conditions of residents of Nos. 38-40 Hilldale Avenue, No. 34 Coulsden Drive and Nos. 1275 – 1277 Rochdale Road with regard to outlook, but that it would result in significant adverse harm to the living conditions of Nos. 1271 – 1273 Rochdale Road with regard to outlook. As such, it would fail to comply with Policies SP1, H1 and DM1 of the CS, which seek to ensure good living conditions.

Other Matters

18. It has been raised that the proposal would contribute to housing provision, which is supported by local and national policy that seek to boost the supply of housing. However, due to the single dwelling nature of the proposal these benefits are limited.

Planning Balance and Conclusion

19. I have found that the proposal would not have a significantly adverse effect on the living conditions of residents of Nos. 38-40 Hilldale Avenue, No. 34 Coulsden Drive and Nos. 1271 – 1277 Rochdale Road with regard to noise, disturbance and privacy or to the living conditions of residents of Nos. 38-40 Hilldale Avenue, No. 34 Coulsden Drive and Nos. 1275 and 1277 Rochdale Road with regard to outlook. However, taken together with the limited weight afforded to the housing contribution, this does not outweigh the other significant harm identified to the character and appearance of the surrounding area and to the living conditions of residents of Nos. 1271 – 1273 Rochdale Road with regard to outlook.
20. 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