
Appeal Decision

Site visit made on 5 April 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 22nd May 2023

Appeal Ref: APP/B4215/W/22/3310561

Workshop Rear Of 14 Kenworthy Lane, Manchester, M22 4EJ

- 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 Lanzbergin, Airside 1 Ltd against the decision of Manchester City Council.
 - The application Ref 133695/FO/2022, dated 5 May 2022, was refused by notice dated 21 October 2022.
 - The development proposed is demolition of existing building, erection of two semi-detached dwellings and relocation of parking area.
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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 area;
 - on the living conditions of occupiers of No. 14 Kenworthy Lane, with regard to outlook, and, No. 10 Kenworthy Lane and Nos. 9 and 11 Heyridge Drive, with regard to privacy; and
 - on the safety of pedestrians, cyclists and drivers using Kenworthy Lane.

Reasons

Character and appearance

3. The proposed dwellings would include a single window on the first floor of both the front and rear elevations, and the window in the front elevation would be obscure glazed. The need to address the relationship of the development to existing properties necessitates partially blank elevations, at first floor level. Whilst the blank part of the elevation would be detailed with a window recess which would provide some visual relief and interest, the largely blank space would appear as an incongruent feature when viewed alongside surrounding properties.
4. The appellant has argued the detailing of the brick recess is a matter of preference and other forms of detailing could be employed such as brick branding, or timber or tile cladding. However, a suitably worded condition, allowing further details to be submitted, would not overcome the design concerns which arise and which would be at odds with the appearance of the surrounding properties.

5. For these reasons the appeal scheme would have a harmful effect on the character and appearance of the area, in conflict with Policies SP1 and DM1 of Manchester's Local Development Framework, Core Strategy, Development Plan Document (CS), July 2012. These policies advise that all development should create well designed places that enhance or create character and have regard to the impact on the surrounding area in terms of design.
6. The appeal scheme is also contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) which indicates that planning decisions should ensure that developments are visually attractive as a result of good architecture. It is also contrary to the guidance contained within the National Design Guide which advises that well-designed new development responds positively to the features of the surrounding context.

Living conditions

7. The proposed development includes the demolition of a two-storey workshop which is located close to the boundary with No. 14 Kenworthy Lane (No. 14). Notwithstanding that the front elevation of Plot 14A would also be located close to the boundary, which due to its siting would appear across almost the full extent of the boundary with No. 14 when viewed from rear windows.
8. Compared to neighbouring properties, No. 14 has a relatively modest sized garden. Given the height and siting of Plot 14A, it would dominate the outlook enjoyed by residents of No. 14 from their rear windows. Therefore, the proposed development would have a harmful effect on the living conditions of the residents of No. 14 with respect to outlook.
9. Even if the side elevation of Plot 14b would be located 4.7m from the boundary with No.10 Kenworthy Lane (No. 10), it would still be close to the communal garden at the rear of the property. The side elevation would include four windows across two floors, which would provide direct views into the communal garden. Given the low boundary treatments and sparse vegetation, these views would be across most of the communal garden. Although the planting scheme may provide a visual buffer, it would take some time for that vegetation to mature, and it is unlikely to effectively screen views from first floor windows.
10. Whilst the communal garden is already somewhat overlooked by residents of the apartments within No. 10 the proposed development would lead to a significant increase in overlooking. As such, residents of the apartments within No. 10 would be affected to a much greater degree by the proposed development thus causing a significant loss of privacy in their rear garden.
11. The rear elevations of the proposed dwellings would be located close to the boundary with Nos. 9 and 11 Heyridge Drive (Nos. 9 and 11). Both proposed properties include first floor windows which would overlook the rear gardens of Nos. 9 and 11. Nevertheless, Nos. 9 and 11 benefit from long rear gardens and the area of the gardens most affected would be the section furthest from the properties. The gardens of Nos. 9 and 11 accommodate mature trees which provide partial screening to the proposed dwellings and which would help minimise any overlooking, this could be further reduced by additional planting, such that the relationship with Nos 9 and 11 is considered to be acceptable.
12. Although the previous appeal decision was silent on the effect of the proposed development on the outlook enjoyed by residents of No. 14, the decision

addressed the matters of dispute in that appeal. This appeal scheme seeks to address concerns with overlooking to No. 14 and is materially different to the previous appeal scheme. In any event, I have based my assessment on the plans on which the Council's decision was based and from my observations on site.

13. The approved development at Albert Hill Street is materially different to the appeal scheme. Whilst the site previously accommodated a surface car park, which was by its very nature open in character, the surrounding pattern of residential development is much denser. As such, there is a greater acceptance of mutual overlooking and does not therefore impact on my conclusions.
14. Taking the above points together, the proposed development would have a harmful effect on the living conditions of the residents of No. 14, with respect to outlook, and No. 10 with respect to privacy. The proposed development therefore conflicts with Policy DM1 of the CS which advises that development should have regard to the effect on amenity, including the privacy and amenity of existing properties. The proposed development is also contrary to paragraph 130 of the Framework which indicates that planning decisions should ensure that developments create places with a high standard of amenity.

Highway Safety

15. The appeal scheme proposes four parking spaces along the access road. These spaces would not impact upon the parking spaces to the rear of No. 10 or to the front of No. 10 and 12 Kenworthy Lane which are outside of the appeal site boundary.
16. The provision of four car parking spaces would accommodate parking demand from residents of the proposed dwellings but could lead to an increase in on-street parking from visitors. Whilst on-street parking is relatively limited towards the junction between Kenworthy Lane and Palatine Road, there is sufficient capacity elsewhere on Kenworthy Lane. Even if, the proposed development led to an increase in on-street parking I do not consider that it would lead to highway safety concerns. Given the relatively minor scale of the proposed development, which would be self-sufficient with four off-street parking spaces, any increase in on-street parking would be minimal and would not give rise to highway safety concerns.
17. For the above reasons, the proposed parking arrangements would not give rise to highway safety concerns for pedestrians, cyclists or drivers using Kenworthy Lane. Consequently, I find that there would be no conflict with Policy DM1 of the CS.

Other Matters

18. The loss of a commercial use to the rear of properties on Kenworthy Lane and Heyridge Drive would be a benefit as it would reduce disruption from a commercial use in a predominantly residential area and would improve the outlook enjoyed by some neighbouring residents. However, it does not alter my conclusions in relation to the main issues outlined above.
19. The appeal site is in an accessible location and is not within a flood risk area; the provision of two accessible dwellings which exceed the requirements of Building Regulations Approved Document L1A Conservation of Fuel and Power and would meet the standards of the Greater Manchester Police's Secured by

Design guidance; the redevelopment of brownfield land; the installation of solar panels, air source heat pumps, electric vehicle charging points and cycle storage; and, the provision of adequate external space for future occupiers and a design which seeks to ensure residents experience suitable sunlight levels are also benefits to the scheme. Nevertheless, the harm which would be caused to the living conditions of neighbouring residents and to the character and appearance of the area would ensure that the proposed development would not achieve sustainable development as envisaged by paragraph 8 of the Framework.

20. It has been put to me that the workshop could be converted to a residential use by utilising the Appellant's permitted development rights. I have not been provided with evidence that prior approval has been sought for such a conversion, or what the design of the theoretical conversion would look like. I cannot therefore conclude that any perceived fallback position would materialise nor that it would have a similar or worse effect than the proposed development. As such, it does not weigh in favour of the appeal scheme.

Conclusion

21. The development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that would outweigh the identified harm and associated development plan conflict which I have outlined.
22. Therefore, for the reasons given above, the appeal is dismissed.

J Hobbs

INSPECTOR