



Appeal Decision

Site visit made on 27 June 2023

by N Kempton BA(Hons) PGDip MA IHBC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2023

Appeal Ref: APP/B4215/D/23/3317597

7 Alliot Walk, Manchester M15 5EW

- 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 Hammad Hussein against the decision of Manchester City Council.
 - The application Ref 135537/FH/2022, dated 19 November 2022, was refused by notice dated 6 February 2023.
 - The development is described as part retrospective planning permission for an outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the works indicated on drawing No. 02.4 'Plans and Elevations Existing plan & Elevations' appeared largely complete. For the avoidance of doubt, my determination of the appeal is based on the drawings submitted and not on the works as constructed.
3. I have also dealt with another appeal (Ref: APP/B4215/D/23/3317598) on this site. That appeal is the subject of a separate decision.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of 5 Alliot Walk, with particular regard to outlook.

Reasons

The character and appearance of the area

5. The appeal property forms part of a housing development that reflects the Radburn design in its layout. This concept is typified by the back gardens or yards of homes facing the street and the fronts of homes facing one another, over common yards, green space or shared footways. 7 Alliot Walk is a two-storey end of terrace property forming part of a short terrace comprising four houses which is opposite and parallel to a similar short terrace. These terraces feature modest front gardens which flank a shared footway.

6. The outbuilding is sited in the front garden of the house. Whilst the siting of a shed or outbuilding in a private garden is typical, such structures are uncommon in the immediate vicinity and wholly absent from the front gardens of Alliot Walk. Rather, the front gardens in Alliot Walk are characteristically green spaces, softened by planting, and bordered by low, timber panel and concrete post fencing. These features allow intervisibility and contribute to the spatial quality and visual amenity of an otherwise narrow footway.
7. It is noted that the front garden of the appeal property is significantly larger than other properties in Alliot Walk, by virtue of the layout. However, the size of this plot does not mitigate the siting of the proposed outbuilding, which diminishes the distinctive spatial character of the Radburn layout and results in the loss of soft landscaping, thereby eroding the contribution that the front garden makes to landscape character.
8. Furthermore, the siting of the proposed outbuilding is a departure from the front building line of the terrace. It stands forward of the established line, which accentuates its prominence as viewed along Alliot Walk. It is acknowledged that the proposed outbuilding would not be visible in longer range public views, by reason of the fine-grained texture of the layout. It does, however, intrude into the close range views within, and along the full length of Alliot Walk. The siting of the outbuilding fails to respect the coherence of the layout with regard to frontage gardens, to the detriment of the spatial and landscape quality of the immediate vicinity.
9. The outer walls of the outbuilding form the site boundary at this point and indeed, would adjoin the side wall of the plot, which forms the common boundary with 6 Alliot Walk. The height of the proposed outbuilding would exceed that of the established height of walls that characteristically enclose the side and rear plot boundaries. This additional height increases the dominance of the structure in the street, to the detriment of the spatial qualities which positively contribute to the distinctive character and appearance of the area.
10. I have considered the appellant's intention to clad the full height of the structure with timber boarding, however, the predominant material in the area is brick- notably for dwellings, side and rear boundary walls. Timber cladding would represent an uncharacteristic material for walling- rather, timber is generally reserved for the low timber panel and concrete post fencing enclosing modest front gardens. The height, siting and proposed timber cladding of the structure would serve to increase the prominence of the outbuilding- albeit viewed at close quarters- and its disharmony with the established layout. The cladding would not mitigate the siting of the structure, which appears intrusive and out of character at the frontage of the site.
11. For these reasons, I consider that the proposed outbuilding is contrary to policies SP1, DM1 and EN1 of Manchester's Core Strategy Development Plan Document 2012 (CS), which require development to reinforce and enhance local character and have regard to appropriate siting.

Living Conditions

12. The outbuilding is opposite 5 Alliot Walk and its position foreshortens the gap between the frontage of that property and the appeal site. Given the proximity of the outbuilding to the openings in No.5 and its garden, the outlook of the occupiers of No.5 would be significantly harmed by its siting. As such, the outbuilding fails to safeguard residential amenity with regard to outlook and is therefore contrary to CS policy DM1 which requires development to have regard to its effects on amenity, and with the National Planning Policy Framework (the Framework) which in paragraph 130 requires decisions to ensure that developments have a high standard of amenity for existing users.

Other Matters

13. I appreciate that the guidance in the Council's SPD¹ pre-dates the publication of the Framework. However, I have determined this appeal against the policies of the development plan.
14. It is noted that the appellant states that the front garden was formerly bound by a timber fence, the height of which exceeded that of the outbuilding. However, no substantive evidence has been submitted, or observed on site, confirming this point, which limits the weight I can give this claim.
15. With regards to the fallback to which the appellant refers, I consider that the harmful effect of this outbuilding on the character and appearance of the area and on the living conditions of neighbouring residents, would be substantially greater than the effect of a shorter fence. Moreover, the size and siting of the outbuilding makes it far more dominant and out of character in the immediate context than a fence. For these reasons, I attribute limited weight to the fallback position.

Conclusion

16. The development has a harmful effect on the character and appearance of the area, and on the living conditions of the occupiers of 5 Alliot Walk, with particular regard to outlook. Therefore, the development is contrary to the relevant policies of the development plan when read as a whole, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.
17. I conclude therefore that the appeal should be dismissed.

N Kempton

INSPECTOR

¹The Guide to Development in Manchester (SPD) (2007)