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## Appeal Decision

Site visit made on 13 February 2024

**by C Rafferty LLB (Hons), Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 April 2024**

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**Appeal Ref: APP/B4215/W/23/3329910**

**Land off Eastwood Road, New Moston, Manchester M40 4TB**

- 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 Ged Boylan against the decision of Manchester City Council.
  - The application Ref 134605/FO/2022, dated 7 October 2022, was refused by notice dated 7 July 2023.
  - The development proposed is proposed new build dwelling of a pair of semi-detached properties.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

### Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the surrounding area; and the living conditions of occupiers of surrounding dwellings with regard to outlook and privacy.

### Reasons

#### *Character and appearance*

4. The site is vacant land in a residential area with a range of surrounding dwelling designs and forms. Properties fronting the nearby streets of Hawthorn Road, Parkfield Road North, Eastwood Road, Eastwood Avenue and Edith Cliff Walk back onto the central space accessed off Eastwood Road, which the site forms part of. One exception to this is a pair of semi-detached dwellings adjacent to the site, which front the access road. The site currently lends an element of openness among the surrounding dwellings, providing visual relief among the built form and contributing positively to the immediate character.
5. The proposal seeks to erect a pair of semi-detached properties at the site. They would be positioned with the front elevations facing southwest, looking towards the immediately adjacent semi-detached dwellings and sitting back to back with properties along Parkfield Road North. The Council has raised

concerns that the proposal would appear randomly placed and, based on my observations, I have no reason to disagree.

6. The positioning of the proposal would be at odds with the pattern of development present around this central space off Eastwood Road. It would be contrary to the predominant layout of properties backing onto this space, nor would it mirror the outward facing nature of the neighbouring semi-detached properties. Its side elevation would result in an unbroken expanse of brick immediately adjacent to the access road, without the relief of the setback or visible window and door of the Edith Cliff Walk property further south. Overall, even acknowledging the varied styles and arrangement of dwellings in the surrounds, the proposal would appear out of step with other development in its immediate context, reading as a contrived and incongruous addition.
7. I note the evidence of the appellant relating to the mix of property styles and scales within the surrounds, and observed the same during my visit. In this sense I do not dispute that the general dimensions of the proposed properties may be reflective of other dwellings in the wider area. However, sited in such close proximity to these other dwellings, the proposal would be a sizeable addition of built form that would reduce the openness provided by the site and result in a sense of overdevelopment in the immediate vicinity. As such, the height, scale and massing of the proposal in this particular location would be harmful to the appearance of the area. While not particularly visible from Eastwood Road it would be readily experienced from the central space and surrounding properties, where due to the combination of its placement and dimensions it would appear cramped among surrounding properties.
8. For the reasons given, the proposal would result in harm to the character and appearance of the area. As such, it would fail to comply with Policies SP1, EN1, H1 and DM1 of the Manchester Core Strategy 2012 (the CS) insofar as they seek to ensure high quality design that has regard to the character of the surrounding area and is of an appropriate siting, scale and massing.

#### *Living Conditions*

9. Concerns have also been raised that the proposal would result in harm to the living conditions of occupiers of surrounding properties, including potential harm to outlook experienced by residents of nearby dwellings on Hawthorn Road, Parkfield Road North and Edith Cliff Walk.
10. With regard to Hawthorn Road, the long rear gardens of the properties to the north west of the appeal site would ensure that the proposal would not appear unduly imposing from the rear habitable room windows of these dwellings due to the intervening distance. While the proposal would also be viewed from the rear gardens of these properties, due to its central positioning in the appeal site, it would only run across a part of the boundary with these properties, towards the corners of the rear gardens. As such, it would not unduly restrict the outlook experienced from these locations. This represents a lack of harm, which is neutral in the planning balance.
11. The proposal would not be directly visible from the rear habitable room windows of the closest properties to the south east on Edith Cliff Walk, viewed only when looking in the direction of the site such that the main rear outlook from these spaces would be retained. However, it would result in a solid expanse of two storey brick built form running along much of the north

western boundary of the rear Edith Cliff Walk garden immediately neighbouring the site with limited setback. This would result in the proposal appearing unduly dominant and overbearing from this location.

12. While the proposal would be setback from the boundary of the Parkfield Road North properties to the northeast, it remains that it would span across much of the rear garden boundaries for two of these properties. Due to its height, scale and massing it would read as an imposing addition of built form from both the rear gardens and rear habitable rooms windows of these properties from which it would be readily visible rising above the boundary fencing and resulting in a sense of enclosure and confinement for residents of this property.
13. In addition, given the rear facing habitable room windows of the proposal, clear and direct views would be afforded towards the rear gardens and windows of the properties on Parkfield Road North immediately bounding the appeal site. Even acknowledging the separation distance between the proposal and the boundary with these properties, and indeed the distance from these properties themselves, it remains that this would result in an undue element of both actual and perceived overlooking that would negatively impact the occupiers' enjoyment of these spaces.
14. For the reasons given, the proposal would result in harm to the living conditions of occupiers of surrounding dwellings with regard to outlook and privacy. As such, it would fail to comply with Policies SP1, H1 and DM1 of the CS insofar as they seek to ensure housing development that safeguards the amenity of surrounding occupiers.

### **Other Matters**

15. I note the appellant's comments regarding a lack of objection from the Environmental Health and Highways Department, and the agreement that the proposal would not result in harm with regard to noise and disturbance. I further note the amenity space that would be provided for future occupants and the reference to a landscaping condition such that the proposal would be acceptable with regard to these matters. These represent a lack of harm, which would be neutral in the planning balance.
16. The appellant refers to the vacant and overgrown state of the appeal site, which would be rectified by the proposal, and an interested party has commented on the bad state of repair of the current concrete posts. Nevertheless, for the reasons given the proposal would result in harm to the overall character and appearance of the area. In addition, while reference is made to vandalism at the site, I have no substantive information on crime rates and occurrences in the area such that I can afford this little weight.
17. Reference has also been made to numerous planning applications at the site, including a previously approved outline application for a two storey dwelling, with the appellant arguing that the principle of residential development at the site is accepted. I have limited information before me on this previous application and, in any event, each scheme is decided on its own merits. For the reasons outlined above, the specific proposal before me would result in harm to the character and appearance of the area and the living conditions of surrounding occupiers.
18. The appellant states that while the Council has not acknowledged the same, the proposal would be backland development. However, even if I were to accept the

proposal to be backland development, it remains that it would result in harm to the character and appearance of the area and the living conditions of surrounding occupiers.

19. The proposal would maximise the potential of the site and provide family sized dwellings, adding to the housing mix and choice in an established, residential area. However, given the limited contribution made in this regard by two dwellings I attach limited weight to this benefit. Even when taken together with the other matters outlined above this would not outweigh the harm identified.

### **Conclusion**

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