



Appeal Decision

Site visit made on 27 March 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/B4215/W/24/3353808

109A Manchester Road, Chorlton, Manchester M21 9GA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hassan Hassan of Oasis Ice Cream against the decision of Manchester City Council.
 - The application ref is 139341/FO/2024.
 - The development proposed is described as “to erect an external canopy shelter for the ice cream parlour”.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a three-storey, gable fronted brick building occupying a corner plot at the junction of Manchester Road and Kensington Road. It forms the end terrace of five similar plots, each with commercial occupation at ground floor. The terraced row forms part of the District Centre, albeit the area in more general terms has mixed uses including residential.
4. The site is served by a wide frontage behind the pavement, laid to hardstanding and defined by planters along part of the boundaries. The depth of the forecourt is relatively consistent with the neighbouring units, as is the building line of the terraced row. There is an existing retractable fabric awning on the front elevation which is a common feature of other commercial units in the immediate street scene. There are strong consistencies with the visual appearance within the terraced row, albeit I agree with the appellant that these do not amount to a strict uniformity. On the opposite side of Kensington Road there is a commercial unit with a fixed canopy serving both elevations of its corner frontage.
5. The proposal seeks to create an external canopy shelter for the commercial unit within the existing forecourt in front of the building. The pavement in front of the forecourt would be unaffected by the development. The proposal would be constructed of a steel/aluminium frame atop of the existing timber box planters with a glass panelled roof. Walls would be formed by plastic roller blinds and plastic sliding windows and doors.

6. The proposal would be visually intrusive given the extent of the forward projection which would occupy the majority of the existing forecourt. The use of the proposed materials would jar with the brick of the host building, despite the variety of materials in the wider area. The appellant contends that the proposal would obscure the harshness of the existing metal roller shutter door. However, I do not consider that this justifies the development given that the proposal would have a much more prominent impact.
7. The permanence of the structure would represent a significant departure from the consistency of the parade of commercial units. It would disrupt the rhythm of the terraced row in terms of the building line established through the three storey buildings and create an unbalancing impact on the street scene which would be harmful to the character and appearance of the area.
8. My attention has been drawn to existing fixed canopies at 111 and 123A Manchester Road. These were observed during my site visit, and I agree that they do establish the presence of a similar form of development in the street scene. However, the appeal site is read in the context of the terraced row in which it forms part of, and therefore these structures do not diminish the harm described above. I also understand that neither of these structures have the benefit of planning permission and therefore I attach their presence little weight in justifying the appeal proposal before me.
9. Based on the above, the proposal would cause material harm to the character and appearance of the area, contrary to Policies SP1 and DM1 of Manchester's Local Development Framework Core Strategy (2012) and saved Policy DC 14.1 of the Unitary Development Plan for the City of Manchester (1995). These collectively seek, amongst other matters, to ensure that proposals create well designed places which have regard to and are in keeping with the character of the surrounding area.

Other Matters

10. There are economic benefits associated with the proposal, including further potential for employment and the extended provision of a commercial unit which would enhance the operation of the business, particularly in adverse weather conditions. Nevertheless, I am not convinced that the appeal proposal is the least harmful means of achieving such benefits. The modest economic benefits associated with the proposal do not outweigh the harm identified to the character and appearance of the area.

Conclusion

11. The proposal would be materially harmful to the character and appearance of the area. This brings the scheme into conflict with the development plan read as a whole, and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude the appeal should be dismissed.

L Gardner

INSPECTOR