



Appeal Decision

Site visit made on 23 May 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2025

Appeal Ref: APP/B4215/W/25/3361107

12A Standish Road, Manchester M14 6NP

- 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 T John of TJTR Ltd against the decision of Manchester City Council.
 - The application Ref is 141511/FO/2024.
 - The development proposed is partial demolition of vacant commercial buildings and replacement with 2 single storey, 1 bedroom studios.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant alleges that because the Unitary Development Plan (UDP) and Core Strategy (CS) for Manchester were adopted in 1995 and 2012 respectively, they are out-of-date and should be afforded reduced weight. I acknowledge that The Places for Everyone Joint Development Plan Document was adopted in March 2024 (PfE) and forms part of the development plan for the nine PfE authorities, including Manchester City Council. However, whilst it replaced some policies (or sections of policies) of the CS, it is confirmed that the policies referred to in the decision notice have not been replaced.
3. The National Planning Policy Framework (the Framework) states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. I will therefore apply due weight to them, according to their degree of consistency with the Framework.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character of the area, and on the living conditions of neighbours, with regards to activity, noise and disturbance and car parking; and
 - whether the proposed development would provide an adequate standard of accommodation for future occupiers, with particular regard to internal living and external amenity space.

Reasons

Character and living conditions

5. The appeal site is a vacant, largely dilapidated commercial building which is located to the rear of 12 and 12A Standish Road (No 12 and 12A), just off Wilmslow Road which is part of a busy mixed, but predominantly retail and commercial district centre. It is proposed to partially demolish the building and replace it with two single-storey dwellings.
6. Saved Policy DC6.1 of the UDP states that the Council will not normally grant consent for residential development on “backland” sites, that is sites with limited access to a road because they are surrounded by houses. Such development would only be permitted in circumstances where the criteria (a to g) in saved UDP Policy DC6.2 are met. The policy does not preclude development of “backland” sites, but the supporting paragraphs recognise that they are often very difficult to develop in a way which avoids a serious impact on neighbouring residents.
7. The appellant refers to the definition of a highway under the Highways Act as being ‘a defined route over which the public can freely pass and repass, including roads, footpaths, and bridleways.’ However, saved UDP Policy DC6.1 refers to a road, rather than a highway and I observed that the appeal site can only be accessed from a shared alleyway. It has no direct access from Standish Road, nor does it have any road frontage.
8. The appeal site is located between the alleyway and No 12 and 12A, which are houses in multiple occupation (HMO), and it shares a flank elevation with an electricity substation. On the opposite side of the alleyway are properties which appeared to be in residential or mixed residential and commercial use. The appeal site is therefore largely surrounded by housing and has limited access to a road. In my judgement it is clearly “backland” and therefore saved UDP Policy DC6.1 and 2 are relevant in this case.
9. There is dispute between the parties about the percentage of HMOs present along Standish Road, but this ranges from 53% and 60%, so a relatively balanced mix of properties. I observed that the wider area is mixed in character, located close to the district centre along Wilmslow Road, and comprises both commercial and residential properties, which includes HMOs. The proposed development would be discrete, low rise and two additional dwellings would not be to the detriment of this mixed character or result in a noticeably high concentration of intensively occupied properties.
10. The proposed dwellings would be orientated towards the boundary of the appeal site which is offset only around 2m from the rear elevation of No 12 and 12A. The main kitchen and living space for each dwelling would open onto a relatively narrow internal courtyard which extends up to this boundary and would be used as amenity space and refuse and cycle storage.
11. The appellant asserts that the dwellings have been designed for single occupancy. However, it would be difficult to control the occupancy, and it is likely that each could be occupied by more than one person, at least for some of the time. Therefore, there would be a reasonable amount of activity associated with the proposed development which would be largely concentrated within the courtyard,

- involving the coming and going of the occupiers and their visitors and the use of the external amenity space.
12. The wall and fence, and the row of trees, proposed along the boundary would to an extent minimise noise and disturbance to the ground floor of No 12 and 12A. However, there are large windows at first floor, well above the proposed fence, which would be very close to the proposed courtyard and would look directly over it. Because of this very close relationship, and the concentrated nature of the activity, the proposed development would result in noise and disturbance which would cause harm to the living conditions of the occupiers of No 12 and 12A. The appellant contends that this level of activity would be significantly less than the former commercial use, but I have no evidence before me regarding the nature of that use. Nor am I persuaded that such a commercial use could be easily resumed given the existing dilapidated condition of the appeal site and building.
 13. The dwellings would be accessed from a steel gate off the alleyway adjacent No 10. At the time of my site visit, albeit a snapshot in time, I observed this alleyway to be well used, providing access to the rear of properties fronting Wilmslow Road, and that the wider area was busy. There would be additional activity associated with the occupiers of the proposed dwellings accessing either Standish Road or Ladybarn Road from the alleyway or moving refuse bins. However, there are no windows on the flank of No 10 facing the alleyway and the increase in activity would not be so significant that it would have an impact on the living conditions of the occupiers of No 10.
 14. Notwithstanding the appeal site has good access to facilities and bus services along Wilmslow Road, and is close to a University of Manchester campus, it is likely that there would be some demand for parking from occupiers of the proposed dwellings, or their visitors. This would likely take place on Standish Road and Carill Drive which do not benefit from parking restrictions, save at the Carill Drive and Wilmslow Road junction. At the time of my site visit, both were very heavily parked, with cars parked on either side of the road and in places on the pavements. Given this existing situation, I am not persuaded on the evidence before me that the likely additional parking demand associated with the proposed development could be accommodated on-street, without causing an obstruction, hazard or inconvenience to neighbouring occupiers in the local area.
 15. The proposals show that there would be space within the courtyard to accommodate sufficient bins and I am satisfied that a scheme for the storage and disposal of refuse could be appropriately secured by a planning condition.
 16. I have found that no harm to the character of the area would result, and that satisfactory provision for waste storage could be secured. I have also found that there would be no unacceptable harm to the living conditions of the occupants of No.10. Nevertheless, I have found that there would be harm to the living conditions of the occupants of Nos 12 and 12A with regards to activity, noise and disturbance, and to neighbouring occupiers in the local area in relation to on-street car parking.
 17. Consequently, the proposal would conflict with CS policies SP1, DM1, H1 and EN1 which together require good design and well-designed accommodation which should have regard to effects on amenity, including privacy and noise, and on car parking. It would also conflict with saved UDP Policy DC26 which requires that development does not result in unacceptable levels of noise or significantly

increased noise and disturbance for occupiers of existing adjoining dwellings. I find that the overarching aims of these policies are consistent with paragraph 135 of the Framework which seeks to ensure a high standard of amenity for existing users. I therefore attribute significant weight to the conflict with these policies.

18. Whilst I have found the appeal site a “backland” site, the proposal would not conflict with any of the criteria (a to g) of saved UDP Policy DC6. Subject to a condition in respect of refuse, there would be no conflict with CS Policy EN19, which requires developers to demonstrate that a proposal is consistent with the principles of the waste hierarchy. There would also be no conflict with CS Policy H6 which seeks to accommodate around 5% of new residential development in South Manchester. Finally, whilst referred to in the decision notice, CS Policy H11 relates to proposals for HMOs and is not therefore determinative to this main issue.

Standard of living accommodation

19. The ‘Technical housing standards – nationally described space standard’ (2015) (NDSS) sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, as well as floor areas and dimensions for key parts of the home. These are reflected in the ‘Manchester Residential Quality Guidance’ (2017) and set out a minimum gross internal floor area of 50sqm for a 1-bedroom 2-person single storey dwelling. Both of these documents represent material considerations. There is dispute between the parties regarding the intended level of occupancy, but this was not specified in the application, and I have found it likely that each dwelling could be occupied by more than one person. The proposed dwellings would be 37.9sqm and 37.4sqm respectively, including limited built-in storage in the bedroom. Although designed with a rational, convenient layout they would nonetheless fall well below the minimum internal space standards for a double occupancy 1-bedroom dwelling.
20. High level windows (with an external steel grill) would serve the bedroom and kitchen and living area of each dwelling on the elevation which faces toward the alleyway and the rear of those three-storey properties fronting Wilmslow Road. These would provide some natural light and limited outlook. The kitchen and living area would also benefit from a second full-height window, but this would directly face the 2m high privacy screen between the two dwellings. Rather than from a usable room, the principal outlook would be from a corridor between the bedroom and kitchen and living area of each dwelling looking toward the internal courtyard. I therefore find that the outlook from each dwelling would be both restricted and enclosed, with the occupiers being ‘hemmed in’ by surrounding development.
21. Further, although the internal courtyard would provide an opportunity to sit outside or hang washing, it would be directly overlooked in proximity by the first-floor windows of the HMO at No 12 and 12A. Moreover, the occupiers of one of the dwellings (Studio 1) would need to pass across the front of the other dwelling (Studio 2) to reach their front door. The internal courtyard would therefore be afforded very little privacy, and this would significantly limit the enjoyment of the amenity space.
22. Therefore, I conclude that the proposed development would not provide an adequate standard of accommodation for future occupiers with regards to internal living space and external amenity space. It would conflict with saved UDP Policy DC6.2(f), CS policies DM1 and SP1 and PfE policies JP-H1 and JP-H3. Together

these require new housing to be of good quality design and have appropriate siting, having regard to the effect on amenity, including privacy, provide minimum sizes of dwellings and adequate levels of private amenity space. I find that the overarching aims of these policies are consistent with paragraph 135 of the Framework which seeks to ensure a high standard of amenity for future users. I therefore attribute significant weight to the conflict with these policies.

Other Matters

23. Although more recent in publication, I have no substantive evidence before me that the PfE places a new emphasis on higher density development on brownfield sites in sustainable locations, that did not already form part of the development plan.
24. The application form described the proposed development as '2 single storey, 1-bedroom studios.' The appellant has suggested that the description of development could be altered to consider the development as single occupancy only, however, I must deal with the appeal proposal as considered by the Council. I also find that it has not been adequately demonstrated that a condition restricting the number of occupants would meet the required tests set out in the Framework. Therefore, I must consider the proposal on the possible occupancy in order to consider the potential effects.
25. I note that the appeal site has significant liabilities resulting from its former commercial use, including dilapidation and safety, and has been subject to anti-social behaviour. However, I have no evidence that the proposed development is the only way to bring the site back into viable use and these matters do not therefore alter my findings on the main issues.
26. Finally, given the substantial harm identified above, paragraph 125 of the Framework, which requires planning decisions to give substantial weight to the value of using *suitable* brownfield land within settlements for homes does not lend any particular support to the appeal proposal.

Planning Balance and Conclusion

27. The appeal site would be a small site that could make an important contribution to housing supply. The site would be in an urban area where future occupants would have access to services and facilities. The proposal would see the replacement of an existing building. Further, the proposed development would provide two additional dwellings which would make a small, but valuable contribution to housing supply in Manchester. There would be some economic benefits through the construction phase and after with future occupants supporting the local economy. However, given the small scale of the proposal, I have afforded these matters only limited weight.
28. Given the scale of the proposal and the location, I do not consider that the proposal would result in unacceptable impacts on the highway network. It is asserted that the appeal site is not at risk of flooding, that utility connections are available and that there would be no adverse impacts on wildlife. Nevertheless, a lack of harm or policy compliance in these respects are neutral considerations that weigh neither for nor against the proposal.
29. Weighed against the benefits is the harm that I have found above, in relation to the living conditions of the neighbouring occupiers and future occupiers. Given the long

lasting effects of such harm, I attribute significant weight to the conflict with the policies set out above which would outweigh the benefits identified.

30. I therefore find in this case, that the proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given, I conclude that the appeal is dismissed.

R Gravett

INSPECTOR