



Appeal Decision

Site visit made on 3 September 2013

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 October 2013

Appeal Ref: APP/B4215/A/13/2197906

365-367 Wilmslow Road, Fallowfield, Manchester, M14 6AH

- 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 Feltham Management Ltd against the decision of Manchester City Council.
 - The application Ref 100196/FO/2012/S1, dated 10 August 2012, was refused by notice dated 15 November 2012.
 - The development proposed is the erection of a detached building to provide 8 apartments; closure of existing vehicular access; removal of trees in decline; reorganisation of car parking facilities to provide new tree planting scheme and bin stores.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposed development on:
 - The provision of housing in the Fallowfield area,
 - The character and appearance of the surrounding area, and
 - The living conditions of the occupiers of Nos 365-367 Wilmslow Road by way of outlook and light

Reasons

3. The appeal site is a parcel of land situated to the south of Nos 365 and 357 Wilmslow Road. Nos 365 and 367 are a pair of large semi-detached houses now converted into flats. There is a small extension to No 365 on its north-eastern side. The appeal site is some 5 metres from the southern elevation of the existing No 367. It is currently largely overgrown with some rubble on site. There are a number of trees around the boundary of the site, many of which are subject to a Tree Preservation Order. The proposed development would involve the construction of a four-storey block of flats up to the northern boundary of the site and following the existing front and rear building lines of No 367. It would be some 8 metres away from the southern boundary of the site.
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4. The appeal site lies just to the south of Fallowfield District Centre on Wilmslow Road, which is a busy main thoroughfare and bus route. It is therefore in a sustainable location. There is a range of uses in the vicinity including hotels, a nursery, a post-office delivery centre, a filling station and commercial properties, as well as residential properties that are largely in the form of flats.

Provision of housing

5. Policy H6 of the Council's Core Strategy (CS) indicates that High Density residential development will generally only be appropriate within certain district centres as part of mixed use schemes. The appeal site does not lie within a district centre and this element of the policy does not, therefore, apply. The policy, however, goes on to indicate that outside of such centres priorities will be for housing which meets identified shortfalls, including family housing and housing to meet the needs of the elderly, with schemes adding to the stock of affordable housing.
6. The appellants have provided a letter from a Stockport-based estate agent indicating that there is a high demand in the region for rented apartments of the type proposed in this case. However, there is no evidence provided relating to the housing market in the Fallowfield area, and it is not possible, therefore, to consider the extent of any shortfalls in any of the sectors of the local market identified above, or whether the current proposal could help towards meeting those shortfalls. Moreover, I have no evidence that the scheme would add to the stock of affordable housing. On this basis, I find that the proposal would conflict with policy H6 of the CS.

Character and appearance of the area

7. The appeal site is surrounded on three sides by large apartment blocks, including Nos 365 and 367, which contain 18 apartments. On this basis, the principle of a relatively small block of flats on the appeal site would appear to be acceptable in terms of the character of the surrounding area.
8. Nos 365 and 367 have three-floors of apartments, with apartments also in the basement. However, the appearance of the building from the road is of a low, wide two-storey structure, with a small extension of similar design and subservient appearance, set well back from the front building line on its northern side. The proposed apartment block would be separated from the existing building and would have a pronounced verticality and clear four-storey appearance. Furthermore, it would appear significantly higher than the existing building.
9. The appellants contend that the proposed building would bridge the gap between the relatively low existing building to the north and the four-storey apartment block to the south. This may well be the case, but there is little or no visual link between the proposed building and the block to the south because of the strong landscaping around the appeal site and the distance between the two blocks. By way of contrast, the appeal proposal would relate in visual terms primarily to Nos 365 and 367, and would be seen against three-storey apartment blocks to the rear. I have concerns, therefore, regarding the scale of the proposal and its impact on the appearance of its surroundings. Furthermore, its scale has implications for the occupiers of apartments in the southern part of No 367, and I will deal with this issue in the following section.

Living conditions

10. The proposed building would be a little under 5 metres from the southern elevation of No 367. It would have the same depth as No 367 and would be some 2 metres higher. I consider that this would result in an oppressive outlook to the occupiers of the flats in the southern part of No 367. Moreover, being to the south of these flats, it would be likely to have a negative impact on the light received in the south-facing windows of these flats. The appellants contend that certain of these windows are secondary and that others serve only bedrooms. Nevertheless, the overall impact of the proposal on the outlook from, and light received by, these habitable rooms would be significantly detrimental.
11. The appellants have provided amended plans to show windows in the southern elevation of No 367 filled in or utilising opaque glass. This would deal only with the issue of overlooking and privacy, and would result in worsened living conditions of the existing occupiers by way of light and outlook.

Conclusion

12. In conclusion, I find that the proposal would conflict with policy H6 of the CS in that it does not address the issue of identified shortfalls in specified sectors of the housing market outside of district centres. Furthermore, by virtue of its scale, form and siting it would appear unsympathetic to the main building on the site, and would result in harm to the living conditions of occupiers of the apartments in the southern part of No 367 Wilmslow Road by way of outlook and light. On this basis it would conflict with policies DM1 and SP1 of the CS, which deal with matters of design and residential amenity.

Other Matters

13. The appellants contend that the development of the untidy site would result in improvement to the appearance of the area. This may well be the case, but this does not justify development of a scale and form that has an unacceptable impact on the appearance of the overall site and the residential amenities of occupiers of the existing property. They also contend that removal of Japanese Knotweed has been expensive, and furthermore that any development of less than 8 units would not be financially viable. I accept that the removal of Knotweed is beneficial, but I have no evidence before me to indicate that the development as proposed is the only viable solution for the site.
14. The Council has indicated that the proposal would result in problems regarding car parking and bin storage. From the evidence before me it would appear that these issues could be dealt with by way of minor amendments and/or suitable conditions. However, this does not outweigh the more significant concerns that I have expressed above.

J D Westbrook

INSPECTOR

Richborough Estates