
Appeal Decision

Site visit made on 3 April 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/B4215/W/16/3166235

7 Lees Hall Crescent, Fallowfield, Manchester M14 6XZ

- 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 Mohammed Aslam against the decision of Manchester City Council.
 - The application Ref 113648/FH/2016, dated 11 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is described as a "one and two storey rear extension".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - The effect of the proposed extension on the character and appearance of the host property and the surrounding area;
 - The effect of the proposed extension on the living conditions of the occupiers of No 9 Lees Hall Crescent with particular regard to light and outlook; and
 - Whether or not the proposed extension would unacceptably intensify the current House in Multiple Occupation (HMO) use.

Reasons

Character and Appearance

3. The appeal property is a semi-detached house that occupies an irregular shaped plot. It is currently used as a HMO. Due to the curve in the road, the house occupies a prominent position, with its side elevation in particular being very visible when travelling along Lees Hall Crescent in an easterly direction. The road largely consists of semi-detached properties of a similar design, which are a mix of dwellings and HMOs. Whilst some of these have been extended to the rear, their side and front elevations largely remain unaltered. A Tree Preservation Order covers a number of trees in the front /side garden.
 4. The proposed two storey extension would extend the full width of the rear of the house, and would extend beyond the side elevation as well, but immediately adjacent to No 9 the 2 storey element would not be as deep. Although the extension would be set down from the ridge, its somewhat irregular shape, and relatively complex roof structure, would make it an
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unsympathetic addition to the host property, and would give the resulting house an unbalanced and bulky appearance.

5. Due to the prominence of the house, and the fact that the extension would project beyond the side elevation of the house, the extension would be highly visible within the street scene. Whilst the trees in the front/side garden may reduce the visibility in the summer, this would not be the case when the trees are not in leaf. In these views, its unsympathetic design, and bulky appearance, would make it an incongruous and discordant feature in the street scene.
6. Therefore, I consider that the proposed development would have a detrimental impact on the character and appearance of the host property, and the surrounding area. Thus it would be contrary to Policies SP1 and DM1 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) and Policies DC1.1 and DC1.2 of the *Unitary Development Plan for the City of Manchester (adopted July 1995)* (UDP) which, amongst other things, seek to ensure that proposals respect the character and appearance of the area.
7. It has been suggested that the design of the extension is similar to other extensions in the south Manchester area, and that, in particular, it is similar in style and appearance to the rear extension at No 9. However, No 9 does not occupy such a prominent location in the street, its rear extension is only single storey, and does not project beyond the side of the house. As such it is not directly comparable with the appeal proposal. In any case, I have determined the appeal on its own merits.

Living Conditions

8. The proposed extension would be situated close to the common boundary with No 9. The extension would not project beyond the single storey rear extension on the adjacent property, but would project some distance beyond the first floor. At this level No 9 has two windows that appear to serve bedrooms. Although the depth of the two storey element is more limited near to the common boundary, the scale and mass of the overall proposal would still result in a significant structure close to the boundary. Given the limited distance that would be maintained between the extension and the nearest bedroom window on the adjoining property, I consider that it would be likely to have an overbearing impact on No 9, dominating the outlook from, and resulting in a loss of light, particularly to this room.
9. Therefore, I consider that the proposed extension would unacceptably harm the living conditions of the occupiers of No 9 Lees Hall Crescent, with regard to light and outlook. Accordingly, it would conflict with Policies SP1 and DM1 of the MCS and Policies DC1.1 and DC1.2 of the UDP which, amongst other things, seek to ensure that developments have regard to, and protect the residential amenity of, neighbouring occupiers.

Intensification of the HMO use

10. The Council have indicated that the appeal property lies in an area with a high concentration of HMOs, and this has not been disputed by the appellant. Policy H11 of the MCS states that in such areas extensions to HMOs will be

restricted where this could reasonably be expected to lead to an increase in the level of occupancy.

11. The proposed extension would lead to an increase in the floorspace of the property. The appellant has indicated that it is proposed that this would be utilised to improve the quality of the accommodation provided rather than to increase the number of bedrooms. To this end the plans show that although an additional bedroom would be created on the first floor, one of the existing bedrooms on the ground floor would be altered and extended to form a lounge area.
12. However, whilst this may be what is proposed in the short term, I agree with the Council that in the future the additional floorspace created by the extension, could be utilised to create an additional bedroom, and so increase the occupancy of the dwelling. The appellant has suggested the use of a condition to restrict the number of bedrooms. However, without entering the property, it would be impossible to ascertain how the space was being used. As a result, I consider it would be very difficult to practically enforce such a condition. Consequently, it would not meet the tests for conditions set out in paragraph 206 of the *National Planning Policy Framework*.
13. Accordingly, I consider that the development would be contrary to Policy H11 of the MCS outlined above.

Conclusion

14. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR