
Appeal Decision

Site visit made on 22 January 2018

by V Lucas LLB MCD MRTPI

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

Decision date: 1 March 2018

Appeal Ref: APP/B4215/D/17/3180551
124 Wellington Road, Old Moat, M14 6AR

- 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 Andrew Towle (Emsix Holdings Ltd) against the decision of Manchester City Council.
 - The application Ref 115095/FO/2017, dated 19 January 2017, was refused by notice dated 21 March 2017.
 - The development proposed is a single storey side extension to the rear of a two storey end of terrace house.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 1 February 2018.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal would result in an increase in the level of HMO accommodation in the area and any effect this may have on the sustainability of the area; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether an increase in HMO accommodation

3. The appeal property is currently in use as a 9 bedroom House in Multiple Occupation (HMO). It is situated in a predominately residential area and is identified as being in an area where there is a high concentration of HMOs. Policy H11 of the Council's Core Strategy (Adopted July 2012) (CS) seeks to control, amongst other things, extensions to existing HMOs where this could reasonably be expected to lead to an increase in the level of occupation. The text accompanying the policy goes on to explain that this is intended to support the creation of a sustainable community by seeking to balance the provision of family housing and shared housing.
4. The plans submitted with the application show that the proposal would be used to extend the existing living area at the property. The extension would be

linked to the existing property via a wide opening that would be wider than a conventional doorway and it would be open plan, with no doorway or division from the existing communal area. The plans also show that the existing living area provided for the 9 occupants of the property is relatively small. It is therefore reasonable for the applicant to seek to increase the size of the communal area as this would improve the living conditions of the existing occupants.

5. There is little evidence before me to suggest that there is an intention to convert the proposed extension to an additional bedroom in order to increase the level of occupancy at No. 124 in the future. For the avoidance of doubt, a condition could be attached to ensure that the proposed extension is only used as communal living accommodation to serve the occupants of the existing bedrooms at the property.
6. I note that the Council states that such a condition would be difficult to enforce. However I consider it would be relatively straightforward to tell when visiting a property whether the room was being used as a private bedroom or communal living space. I accept that this would require a Council officer to visit the property to check but that is the case with enforcing many standard planning conditions and for that reason, not unduly onerous.
7. A previous appeal has also been brought to my attention within the Council area where the use of such a condition was adopted by the Inspector. The use of a condition would ensure that any proposal to increase levels of occupation at the property was within the control of the Council and could be assessed against the requirements of the relevant development plan policies including H11 and any impact on the sustainability and character of the area.
8. Accordingly, I conclude on this main use that the proposal would not result in an increase in the level of HMO accommodation in the area and for this reason would have a neutral effect overall on the sustainability of the area in this regard. The proposal would not therefore conflict with policy H11 of the CS (as set out above).

Character and appearance

9. No. 124 is a two storey, semi-detached property. It is situated at the junction of Wellington Road with Brentbridge Road. The appeal dwelling has an existing two storey extension that projects by approximately 3.9m. There is also a single storey side extension that spans the width of the original dwelling and the rear extension and fills the width of the gap between No. 124 and the boundary of the appeal site.
10. The development proposed would see the erection of a single storey extension that would project by approximately 3.1m from the rear elevation of the existing side and rear extensions (7m from the rear elevation of the original dwelling house). It would also span a considerable proportion of the width of both previous extensions.
11. Two applications were previously made for an extension to the appeal property and these were refused by the Council for similar reasons to the appeal scheme before me. This appeal proposal seeks to overcome the previous concerns by reducing the extent of the rear projection of the proposed extension.

12. No. 124 has already been extended by virtue of the existing two storey rear and single storey side extensions. The Council estimates that the floor area of what remains of the original property is approximately 126 square metres whereas the floor area of the existing extensions combined with this appeal proposal would be approximately 105 square metres.
13. The appeal proposal when considered in combination with the previous extensions would therefore result in a substantial increase in the size of the property when compared with that of the original building. Due to the combined scale of the extended form of the appeal property, the extensions would no longer be seen as visually subservient to the original dwelling and would result in an over dominant form of development that would be viewed as an incongruous feature in the streetscene.
14. The appeal proposal in itself may be relatively small scale when considered in isolation. However, it is reasonable to take into account the existing extensions at the appeal property when assessing the cumulative effect of this proposal on the character and appearance of the area as this forms an integral part of coming to a view on the proposal and its visual impact on the streetscene.
15. I note that several properties in the surrounding area have been extended over time, with some extensions being larger and more visible in the streetscene than others. However, the extended form of the appeal dwelling would be considerable compared to the size of the majority of other two storey semi-detached dwellings close to the site, even those with existing extensions.
16. Whilst a large amount of garden space may be retained and the proposal may seek to employ good design, using matching materials and a hipped roof, a lack of harm in these respects are neutral factors that do not outweigh the harm that I have identified. Although the boundary treatment in place may screen part of the proposal from wider views in the streetscene along Brentbridge Road, it would not do so completely with the upper sections of the proposal and the roof likely to remain visible.
17. I understand that the issue of the extent of the rear projection of the proposal may not previously have been raised by the Council during their determination of previous applications at the site. However, it is referred to in the decision notice for this proposal and it is therefore relevant to my consideration of this appeal. Policy DC1.3 does indicate that approval will not normally be given for extensions greater than 3.65m in length. The proposal would therefore conflict with the policy overall in this regard.
18. Accordingly, I conclude that the proposal would be harmful to the character and appearance of the area. The proposal would therefore conflict with policies SPI and DM1 of the Council's Core Strategy (Adopted July 2012) and policy DC1 of the Unitary Development Plan (Adopted 1995) which together seek to ensure that development creates neighbourhoods of choice, providing high quality and diverse housing around district centres which meet local needs; that all development should have regard to the impact on the surrounding area in terms of design, scale and appearance of the proposed development; and that extensions to residential properties should not be excessively large resulting in structures that are not subservient to original houses.

19. The proposal would also conflict with paragraph 17 of the National Planning Policy Framework which, amongst other things, states that planning should always seek to secure high quality design.

Other Matters

20. I acknowledge that the proposal would result in a larger communal living area that would benefit the occupants of the property. This benefit weighs in favour of the appeal scheme to a limited extent. Any economic benefit during the construction phase of the appeal scheme would be of short duration and very limited due to the scale of the proposal.

Conclusion

21. Whilst I have concluded on the first main issue that the proposal would not result in an increase in the level of HMO accommodation in the area and would therefore have a neutral effect overall on the sustainability of the area, a lack of harm in this respect is a neutral consideration that does not weigh in favour of the appeal scheme. Although I have identified some benefits associated with the appeal proposal, I attach only limited weight in favour to these due to the scale of the development proposed.
22. On the other hand, I have concluded on the second main issue that the proposal would be harmful to the character and appearance of the area. Accordingly, I conclude overall that that this harm does outweigh the limited benefits that I have identified.
23. The appellant has referred to the Framework's presumption in favour of sustainable development (paragraph 14). However, I have found that the proposal would conflict with the development plan overall. Furthermore, based on the evidence before me, there is nothing to suggest that the development plan is absent, silent or that the relevant policies are out-of-date.
24. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas

INSPECTOR