
Appeal Decision

Site visit made on 20 May 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2020

Appeal Ref: APP/B4215/D/20/3250555

48 Wyverne Road, Manchester, M21 0ZN

- 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 Imran Sharif against the decision of Manchester City Council.
 - The application Ref 125897/FH/2020, dated 10 January 2020, was refused by notice dated 6 March 2020.
 - The development proposed is described as: 'Proposed amendment to the original planning approved drawing in which the upper floor extension project out further as highlighted in rev cloud on the drawings'.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a part single, part two storey side and rear extension, rear dormer extension and single storey front porch and canopy to form additional living accommodation together with the erection of a single storey rear outbuilding at 48 Wyverne Road, Manchester, M21 0ZN in accordance with the terms of the application, Ref 125897/FH/2020 dated 10 January 2020, subject to the conditions below:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250); Drawings 01B; 02; 03 and 04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 48 Wyverne Road.

Procedural Matters

2. Whilst I note the date on Section 11 of the application form, I have taken the date of application from the appeal form as the date on Section 13 of the application form has been redacted.
3. The description of the development in the banner heading above is taken from the application form. However, in my decision, I have taken the description of the development from the Council's decision notice and appeal form, since this more accurately describes the proposal.

4. At the time of my site visit, ground and construction works were being undertaken. However, as the property benefits from an extant planning permission¹ (the extant permission), I am not certain that these works are not in connection with the extant permission, subsequently I have imposed a time limit condition and dealt with the appeal on this basis.

Main Issue

5. The main issue of this appeal is the effect of the proposed development on the living conditions of neighbouring occupiers, particularly those at No 50 Wyverne Road.

Reasons

6. The host dwelling is a semi-detached house in a residential street, constructed out of brick, with render at first floor on the front elevation with a tiled gable roof. The property benefits from an extant permission for a similar development to that which is subject of this appeal. I consider that due to these similarities, the extant permission forms a material consideration of significant weight. It is common ground between the main parties that the only aspect of the appeal scheme in dispute is surrounding the proposed increased projection of the first-floor bathroom on the occupiers of No 50, which is sited adjacent to the host dwelling.
7. I note the amount of development already approved by the Council in the extant permission and I consider that the increase in projection of the proposed bathroom at first floor to be reasonable, given the site-specific circumstances. The host dwelling is sited in a northerly direction to No 50 and the elevation facing the proposed development at No 50 has no habitable room windows present at either ground or first floor. Whilst the rear door serving No 50 would face the development, I find that given the distance maintained from the shared boundary with the host dwelling that no overbearing effects would occur. Furthermore, given this separation distance and the orientation of the dwellings on Wyverne Road, I do not consider that the occupiers of No 50 would encounter any significant harmful effects from the proposed development on the level of sunlight and daylight received.
8. For all of these reasons, I therefore conclude that the proposed development would not result in any significant harm to the living conditions of existing neighbouring residents, particularly those present at No 50. This complies with the living conditions aims of Policies SP1 and DM1 of the Council's Local Development Framework Core Strategy Development Plan Document 2012, 'Saved' Policy DC1 of The Unitary Development Plan for the City of Manchester 1995, and the requirements of the National Planning Policy Framework.

Other Matters

9. No objections have been raised by the Council with regard to the effect of the proposed development on the adjoining occupiers at No 46 Wyverne Road. Based on the evidence before me and my findings from the site visit, I have little reason to disagree with the Council's conclusion on this matter.
10. The appellant has brought to my attention a number of houses in the surrounding area. Whilst noting the presence of these properties, relatively

¹ 124124/FH/2019

little detail has been provided regarding the planning background to these schemes. Without such information a full and detailed comparison between these developments and the case before me cannot be easily drawn. Nonetheless, I have considered this appeal proposal on its own particular merits and concluded that it would not cause harm for the reasons set out above.

Conditions

11. I have considered the conditions suggested by the Council, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the conditions as necessary.
12. For certainty, it is necessary that there is a condition requiring that the development is carried out in accordance with the approved plans and that conditions are necessary to ensure the facing materials match those present in the original house. A further condition is reasonable and necessary to define the nature and use of the outbuilding and to protect the living conditions of neighbouring occupiers.

Conclusion

13. For the reasons given above, I conclude the appeal should succeed.

W Johnson

INSPECTOR