



Appeal Decision

Site visit made on 27 July 2020 by L Wilson BA (Hons) MA MRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2020

Appeal Ref: APP/B4215/D/20/3253020

239 Kings Road, Chorlton, Manchester M21 0XG

- 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 N Raja against the decision of Manchester City Council.
 - The application Ref 125860/FH/2020, validated 6 January 2020, was refused by notice dated 4 March 2020.
 - The development proposed is described on the application form as proposed first floor side extension and extension to existing garage to form ancillary accommodation resubmission of 124751.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are the effect of the proposal upon:
 - i. The character and appearance of the area; and
 - ii. The living conditions of neighbouring residents, with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

4. No. 239 is a two-storey, semi-detached dwelling with an existing single storey side extension and also a two-storey rear projection¹. The area is residential in character. Properties are generally semi-detached with driveways to the side, which creates a strong, regular rhythm.
5. Dwellings located on corner plots appear to have been designed so they respected the building line of the highway to the front and side of the property. The gap to the side and prominent building lines create a strong pattern of development and sense of openness. The single storey extension and garage to the rear of the appeal site have already impacted the building line of Vaughan

¹Planning application references: 046358 and 071293

Road. However, No. 241, on the opposite side of Vaughan Road, also has a single storey side extension which provides some symmetry with the appeal building. Therefore, even with the later additions, the appeal property contributes positively to the open character and appearance of the area.

6. The set back and lower ridge height of the proposed first floor extension would result in a degree of subservience to the original dwelling. However, the massing of the proposed side extension in particular would emphasise the projection beyond the building line and would be significantly more noticeable than the existing single storey side extension, eroding the open nature of the corner property. In addition, the proposal would result in a disjointed roof form to the side elevation when combined with the existing rear and side extensions. Consequently, it would form a dominant, obtrusive addition, which, due to its location, would be particularly visible from the highway.
7. The extension and alterations proposed to the garage, to form ancillary living accommodation, would substantially alter its appearance. The considerable resultant size and massing of the structure would have the appearance of a bungalow, in an area where such large outbuildings are not characteristic. As a result, due to its siting and massing, it would be a particularly incongruous structure along Vaughn Road from where it would be visible.
8. Following the recently refused joint planning application² with no 239, No. 237 submitted a further application omitting the rear extension, this scheme was approved³. However, the approved development cannot be directly compared to the proposal before me. The extension and outbuilding, approved at No. 237, would not be seen as a dominant addition to the area as it would be well screened by the neighbouring properties and existing built development. The approved outbuilding is also approximately half the size of the proposed ancillary accommodation at no 239. In contrast to No. 237, the appeal site forms a prominent corner plot at the junction with Kings Road and Vaughan Road. Therefore, any extension to the side and rear of No. 239 would be widely conspicuous from the highway.
9. Whilst on my site visit, I observed a small number of properties with two-storey side extensions, including that at No. 255 Kings Road, the majority of properties did not have such additions or prominent outbuildings. The appellant has also submitted photographs and plans of side extensions and outbuildings within the wider area. I do not have the full details of these cases and so cannot determine whether the circumstances in relation to the character and appearance of the area, and the contribution the host property makes to it, are comparable to the scheme before me. Nonetheless, the appeal proposal, together with the previous extensions, would result in a more dominant form of development than those I saw on my site visit or those highlighted by the appellant due to the extent of built development. In any event, each application must be treated on its individual merits.
10. The proposed scheme, together with the existing extensions, would result in the extent of built development evidently appearing out of character with other dwellings, and modest visible extensions, within the area. Subsequently, the proposal, along with the existing extensions, would compromise the character of the area on account of the design, siting, scale and massing of the proposed

² Planning application reference: 124751/FO/2019

³ Planning application reference: 125949/FO/2020

scheme which would appear at odds with the carefully planned established pattern of development.

11. For these reasons, I find that the proposed development would be visually harmful to the character and appearance of the area. Consequently, the scheme would conflict with Policies DC1.1, DC1.2 of The Manchester Plan: The Unitary Development Plan for the City of Manchester (1995) (UDP) and Policies SP1 and DM1 of the Manchester's Local Development Framework: Core Strategy Development Plan Document (2012) (CS). These policies seek, amongst other matters, to promote good design having regard to the character of the surrounding area. It would also be at odds with guidance in the National Planning Policy Framework (the 'Framework') relating to achieving high quality design.
12. I note that in the Council's reason for refusal it stated that the proposal would be contrary to Policy DC1.3 of the UDP. Based on the evidence presented, I am satisfied that the proposal would comply with this Policy.

Living Conditions

13. The Council has stated that the proposal would have an overbearing appearance to neighbouring occupiers. However, it has not specified which neighbours they are referring to.
14. The first floor side extension would not have a harmful impact upon the living conditions of neighbouring occupiers due to the considerable intervening distance to the surrounding properties.
15. The ancillary accommodation would be single storey. The side elevation of No. 19 Vaughan Road (No. 19), to the rear of the appeal site, contains windows. However, the proposed accommodation would not be positioned closer to No. 19 than the existing garage. In addition, the driveway of No. 19 is adjacent to the appeal site.
16. The adjoining property, No. 237, has a relatively long garden to the rear. Given the distance of the proposed outbuilding to the rear windows of No. 237, the scheme would not have a harmful impact upon the outlook from these windows. Whilst not a determinative factor, I note that the recently approved scheme at No. 237 included an outbuilding adjacent to the proposed outbuilding, to the rear of the garden.
17. Therefore, given the existing built development, height of the proposed outbuilding and siting of neighbouring properties, I am satisfied that the proposal would not have a materially overbearing impact upon the outlook enjoyed by neighbouring occupiers
18. Consequently, the proposal would not have an unacceptable effect upon the living conditions of existing occupiers, having regard to outlook. Accordingly, in this respect, based on the evidence presented, it would accord with Policies DC1.1, DC1.2 and DC1.3 of the UDP, along with Policies SP1 and DM1 of the CS. These policies seek, amongst other matters, to have regard to the amenity of existing neighbouring occupiers. The development would also comply with guidance in the Framework relating to amenity.

Other Considerations

19. I appreciate that the scheme would provide additional accommodation for the appellant and his family and I have also had regard to the GP letters submitted in support of the appeal. The Planning Practice Guidance sets out that there may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission⁴. Personal circumstances rarely outweigh general planning considerations as the occupants of a dwelling can change whereas the development would be permanent. I have had due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. I do not doubt that the proposal would help accommodate the needs of the family. However, there is no evidence before me to suggest that a less harmful scheme could not achieve the same needs of the family.
20. Although I have found that the proposal would not be harmful to residents' living conditions, this would not outweigh the considerable harm I have found the character and appearance of the area.
21. The appellant considers that the Council has been inconsistent with their approach in determining planning applications relating to side extensions and outbuildings, there is a lack of guidance for applicants and they did not consult the appellant before determining the application. These matters have little bearing on the planning merits of the case. Consequently, these are not considerations that outweigh the harm caused by the development.
22. Having carefully weighed the potential benefits of the scheme, I therefore consider that dismissal of the appeal is a proportionate and necessary response having regard to the legitimate and well established planning objective of protecting the character or appearance of an area.

Conclusion and Recommendation

23. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

24. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR

⁴ Paragraph: 015 Reference ID: 21a-015-20140306