



Appeal Decision

Site visit made on 18 August 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2020

Appeal Ref: APP/B4215/D/20/3253909

126 Heaton Park Road, Manchester, M9 0QQ

- 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 Thompson against the decision of Manchester City Council.
 - The application Ref 126070/FH/2020, dated 2 January 2020, was refused by notice dated 2 April 2020.
 - The development proposed is first floor extension to bedroom on rear elevation.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Andrew Thompson against Manchester City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the development, firstly, on the living conditions of the occupiers of No 124 Heaton Park Road with regard to loss of outlook and light and, secondly, on the character and appearance of the area.

Reasons

Living conditions

4. The appeal property is a semi-detached dwelling on the corner of Heaton Park Road and Southwood Drive. It has already been extended to the rear at both ground and first floor level. It sits within a row of similar properties that are characterised by relatively small back garden areas.
5. The development would introduce a first floor rear extension next to the boundary with No 124 Heaton Park Road. This would project significantly above the height of the existing extension and would create a tall expanse of brickwork along the boundary. It would dominate views from the rear of No 124 and would partly enclose its back garden along one side. In my view, this would have a harmful overbearing effect to users of the garden area. Moreover, the development would be in close proximity to what appears to be a first floor bedroom window in No 124, and would significantly restrict natural light to and outlook from that room. Whilst the current occupiers of No 124

have not objected to the development, I must take into account the lifetime of the extension and its effect on both current and future occupiers.

6. It is asserted that the development would not have a significantly greater effect than the existing 2 storey rear extension. However, that is set in from the boundary by around 3 metres, and its impact on the rear garden and windows of No 124 is therefore much less significant. In any case, and as set out below, the lawfulness of that extension is uncertain.
7. For the above reasons, I conclude that the development would significantly harm the living conditions of the occupiers of No 124 Heaton Park Road with regard to loss of outlook and light. It would therefore be contrary to the relevant sections of Policy DM1 of the Manchester Core Strategy (2012), and saved Policies DC1.1 and DC1.2 of the Manchester Unitary Development Plan ('UDP') (1995). These policies seek to ensure, amongst other things, that new development does not significantly harm the amenity of neighbouring occupiers. It would also be at odds with the National Planning Policy Framework ('the Framework'), which seeks to ensure a high standard of amenity for existing and future users.

Character and appearance

8. The development would be consistent with the appearance of the existing 2 storey extension at the rear of the property. It would also be largely screened in public views by that extension, and it would only be visible from along a short section of Southwood Drive. However, I note that the existing 2 storey rear extension does not benefit from planning permission.
9. The lawfulness of the existing 2 storey extension is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. In this regard, it is open to the appellant to apply to have this matter determined under section 191 of the Act, and such an application would be unaffected by my determination of this appeal. Whilst it is asserted that this extension was built over 20 years ago, little evidence has been submitted to substantiate this. Accordingly, I attach little weight to its presence for the purposes of this appeal.
10. In the absence of the existing 2 storey extension, the appeal proposal would be a far more prominent addition. Its flat roof design and raised eaves height would have an unsympathetic and bulky appearance that would contrast sharply with the host property. This would be a discordant feature that would be clearly visible along the street.
11. For the above reasons, I conclude that the development would significantly harm the character and appearance of the area. It would therefore be contrary to the relevant sections of Policies SP1 and DM1 of the Manchester Core Strategy (2012), and saved Policies DC1.1 and DC1.2 of the Manchester UDP (1995). These policies seek to ensure, amongst other things, that new residential extensions are not out of character with the host property or the surrounding area. It would also be at odds with the Framework, which states that development should be sympathetic to local character.

Conclusion

12. As set out above, the development would significantly harm the living conditions of neighbouring occupiers and the character and appearance of the

area. Whilst it would provide additional living space, and would generate some economic benefits during its construction, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR