

Appeal Decisions

Site visit made on 5 January 2021

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2021

Appeal A - Appeal Ref: APP/B4215/D/20/3258882

13 Olney Avenue, Manchester M22 8AB

- 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 B Naheem of A2ZEstates against the decision of Manchester City Council.
 - The application Ref 126873/FH/2020, dated 8 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is for a part-retrospective application for the erection of a part single, part two storey rear extension and a two-storey side extension to provide additional living accommodation.
-

Appeal B - Appeal Ref: APP/B4215/D/20/3264718

13 Olney Avenue, Manchester M22 8AB

- 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 B Naheem of A2ZEstates against the decision of Manchester City Council.
 - The application Ref 128079/FH/2020, dated 22 September 2020, was refused by notice dated 23 November 2020.
 - The development proposed is for the erection of a part single, part two storey side and part single, part two storey rear extension to provide additional living accommodation.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. For clarity, I have taken the name of the appellant from the appeal form for Appeal A as it is more precise and also used this for Appeal B for consistency. Additionally, I have taken the description of development in both Appeal A and Appeal B from the respective decision notice from the Council and appeal form, as they are more accurate.
4. These decisions relate to two separate applications for the same site. Both Appeal A and Appeal B are for similar schemes at the same property, with Appeal A being submitted to, and determined first by the Council. Appeal B was then submitted to, and determined by the Council after the submission of Appeal A on 4 September 2020. However, to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together.

5. At the time of my site visit, it was apparent that the development had commenced, albeit not completed. I have dealt with the appeals on this basis.

Main Issues

6. The main issues of these appeals, in respect of both Appeal A and Appeal B are the effect of the development on:
 - i. the character and appearance of the appeal site and surrounding area; and,
 - ii. the living conditions of neighbouring occupiers.

Reasons

Background

7. The host dwelling is sited at the end of a terrace comprising 4no.houses at the end of a modest cul-de-sac. Contrary to the views of the Council, I noted during my site visit that the majority of the houses on Olney Avenue have not been significantly altered, which contributes to the balanced form and regular rhythm of development to the street. Furthermore, I noted that the appeal site differs from the majority of the dwellings on Olney Avenue through occupying a larger plot, due to the layout of the surrounding residential development.
8. Whilst the Council indicate that there is an in-principle objection to the development, I find that there is no specific policy objection to the principle of a residential extension, especially as the host dwelling benefits from an extant permission¹ (the previous scheme). On the evidence before me, I acknowledge that the element of both appeal schemes, comprising the single storey rear extension does not extend beyond 3.65m, thus, accords with the guidance contained within Policy DC1.3 of the Council's 'saved' Unitary Development Plan 1995 (UDP). Nonetheless, in this instance, the single storey rear extension is integral to the other elements of the scheme, and therefore cannot be considered in isolation.

Character and appearance

Appeal A

9. Whilst noting the approval of the previous scheme, I find that the scheme before me, has notable differences, resulting in a much larger extension than that previously approved by the Council. This scheme has elements of subordination in its design, including the incorporation of 2no. staggered setbacks from the main front elevation of the host dwelling. Although, this design feature would be in excess of the set back proposed on the previous scheme, the additional distance is modest. However, this scheme extends the width of the building considerably at both ground and first-floor, and such design features would do little in this instance to provide sufficient mitigation.
10. The adverse visual effect of the scheme would be accentuated through the roof design over the two-storey side/rear extension and the lack of integration with the host dwelling. Additionally, the smaller windows proposed in the front elevation of the scheme, particularly those at first-floor creates an irregular fenestration detail on the property that again emphasises the excessive width

¹ 125485/FH/2019

of the proposal. Although, I acknowledge that similar fenestration details are present on the previous scheme.

11. Collectively, these factors would diminish and unbalance the character and appearance of the host dwelling to the detriment of the wider street scene. I acknowledge that the layout of the dwellings on Olney Avenue, provides some screening for the development, but this would not extend to all areas of the street, and thus, the scheme, especially the two-storey side extension would be visible from certain areas of public land. Although the site benefits from a larger plot, this would not provide sufficient mitigation to overcome the harmful visual effects as a consequence of the scheme.

Appeal B

12. This scheme, again utilises the partially constructed ground floor element and would occupy the same footprint as the scheme in Appeal A. However, I note that the first-floor element of the scheme would be reduced in its projection from the side elevation of the host dwelling, resulting in the first-floor element of the scheme being stepped in on both staggered projections. I note that the dimensions of the first-floor element on Appeal B would be similar to those approved on the previous submission. Consequently, the scheme in Appeal B notably reduces the scale and massing of development at first-floor.
13. However, I consider that the additional setbacks from the ground floor side elevation, along with the introduction of small pitched and hipped roofs would be design features, which would not be appropriate in this instance, and would result in a development that fails to complement the character and appearance of the host dwelling. These unacceptable design features would be in addition to the main roof over this scheme, still having little integration with the existing roof over the host dwelling, albeit, it would be reduced in size than that proposed on Appeal A, and the irregular fenestration details on the proposed front elevation of the scheme.

Conclusion

14. For all of these reasons, I therefore conclude that both schemes under Appeal A and Appeal B would unacceptably harm the character and appearance of the appeal site and surrounding area. This is contrary to the design, character and appearance aims of UDP Policy DC1, Policies SP1, DM1 of the Council's Local Development Framework Core Strategy Development Plan Document 2012 (CS). Additionally, the scheme fails to accord with the requirements of the National Planning Policy Framework (the Framework).

Living conditions

Appeal A

15. The two-storey rear element of the scheme extends approximately 400mm further into the rear garden of the host dwelling, when compared to the previous scheme. I accept that this results in the scheme being located closer to the rear boundary of the site, which is shared with various properties on Shayfield Drive, including No's 43 and 45. Nonetheless, I consider that the previous application is a material consideration, to which I attach significant weight. Although, I have some sympathy with the occupier of No 43, who asserts that she had no knowledge of the previous scheme until works commenced on site, it has, nonetheless, been approved by the Council.

16. At first-floor of the scheme, on its rear elevation, a single window would be located, serving a bedroom. This is a similar situation to that on the previous scheme, albeit, the window in the previous scheme serves a smaller bedroom. Thus, as I have not be informed of any significant differences to the physical site conditions towards the rear of the host dwelling, I find the increased rearward projection of this scheme to be modest, especially, when compared to that already approved. In any event, in the absence of any substantive evidence to the contrary, I find that the distance maintained between the scheme and No's 43 and 45 would be sufficient to prevent any significant harmful effects to their occupiers living conditions, including the use of their rear gardens.
17. Additionally, I accept the appeal scheme would be sited closer to the shared boundary with No 11 Olney Avenue. However, given the relationship between No 11 and the host dwelling through their siting, I do not consider that any harm would occur to any habitable room windows. Furthermore, and in all instances, I do not consider that the appeal scheme would create any adverse issues with regards to outlook, loss of privacy or creating a sense of enclosure.

Appeal B

18. In my assessment of Appeal A, I have concluded that the scheme would not result in any harmful implications to the living conditions of neighbouring occupiers. This scheme is reduced in scale and massing, when compared to Appeal A and the scheme would project no further forward, towards No's 11, 43 and 45. Therefore, I conclude that the reductions proposed in this scheme, especially at first-floor, would further reduce the impact of the development on the living conditions of neighbouring occupiers. Additionally, this scheme does not introduce any new features that would detract from my overall findings on Appeal A.

Conclusion

19. For all of these reasons, I therefore conclude that both schemes under Appeal A and Appeal B would not, when completed, unacceptably harm the living conditions of any neighbouring occupiers. This complies with the amenity aims of UDP Policy DC1, CS Policies SP1, DM1 and the requirements of the Framework.

Other Matters

20. Neighbouring occupiers have also expressed concern towards the effect of the proposed development on, but not limited to: future use of the property and the potential number of residents; highways; drainage; trees; loss of light; noise and condition of the site. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal, which I have dealt with in the assessment above. Whilst I can understand the concerns raised, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
21. Matters surrounding land ownership and to the removal of a section of hedgerow have been referenced in correspondence from interested parties. However, any ownership issues are a private matter between the relevant parties and not within my jurisdiction. I have considered this scheme on its

own merits and concluded that it would cause harm for the reasons set out above.

Planning Balance and Conclusion

22. Whilst I accept the absence of other harm arising from the schemes, including living conditions, this does not outweigh my assessment on character and appearance. Given my findings above, both schemes conflict with the development plan when taken as a whole, and there are no other material considerations that indicate otherwise. It is also at odds with the requirements of the Framework.
23. Taking all matters into consideration, I conclude that both Appeal A and Appeal B should be dismissed.

W Johnson

INSPECTOR