



Appeal Decision

Site Visit made on 13 April 2021

by R Walmsley BSc, MSc, MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2021

Appeal Ref: APP/B4215/D/20/3263428
5 Oldbury Close, Manchester M40 7JL

- 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 Mrs Senghore against the decision of Manchester City Council.
 - The application Ref 127786/FH/2020, dated 19 August 2020, was refused by notice dated 5 November 2020.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effect of the proposal on the character and appearance of the area and on the living conditions of neighbouring occupiers, with particular regard to privacy and outlook.

Reasons

3. The semi-detached properties in Oldbury Close are symmetrically aligned to the highway and to each other. This gives Oldbury Close a pleasing and uniform character. The houses are also generously spaced; between each pair of semi-detached houses is a notable gap which gives the close an open and spacious character. The symmetry and the gaps identified give Oldbury Close a character that clearly separates the housing from other forms of development in the area.
4. The development proposed would occupy an important gap between two pairs of semi-detached houses and therefore would appear cramped and incongruous in the street scene and would be harmful to the open character described. This effect would be experienced from Oldbury Close and from Mellor Street where the extension would be equally visible and where gaps between buildings are equally important in creating an open character. The extension would also upset the symmetry of the houses, appearing visually awkward in the street, and exacerbating the harm found. There was no evidence on my site visit or indeed in the details before me of extensions in Oldbury Close setting a precedent in favour of the appeal.
5. Occupiers of the development would overlook the living areas of No 3 Oldbury Close, particularly at first floor level where there is no visual barrier between the two. Whilst the overlooking would be at an oblique angle, the extension

- would be sufficiently close to No 3 for the privacy of these occupiers to be harmed.
6. The development would extend a notable distance along the shared boundary with No 3 and to two stories. This would appear unduly overbearing and create an oppressive outlook for the occupiers of this neighbouring property, particularly when they are in their garden.
 7. Neighbours may not have objected to the development proposed, however this is not to say that the development would provide an acceptable level of amenity. The planning system seeks to protect amenity in the wider public interest and when considering my findings above, the development would not achieve this.
 8. I have had regard to other sites before me which the appellant suggests have similar extensions to that proposed. Except for No 5 Burnell Close, the site contexts do not compare with the appeal site to be favourable in comparison. With regards to No 5 Burnell Close, the form and layout of this site and the side extension are similar to the appeal proposal. However, the distance between No 5 and its neighbour is different to the distance between the appeal site and No 3 Oldbury Close. And so, comparisons of character and appearance cannot be fairly made. In addition, I have no evidence of the Council allowing the development at No 5 Burnell Close give that weight in favour of the appeal.
 9. All in all, for the reasons identified, the development would be harmful to the character and appearance of the area and to the living conditions of neighbouring occupiers and therefore contrary to the strategic policies of the Core Strategy (2012), DM1 and SP1, and saved policies DC1.1 and DC1.4 of the Local Plan (1995) which, amongst other things, seek residential extensions that have regard to the overall appearance of the proposal in the street scene and to the amenity of neighbouring occupiers.

Other matter

10. The appellant has some grievances about the Council's approach to deciding the application. It is not within the remit of this appeal for me to comment on the circumstances that led the Council to its decision.

Conclusion

11. For the above reasons, and having regard to all matters raised, I conclude that the development would be contrary to the development plan. There are no material considerations to suggest a decision other than in accordance with the development plan and therefore the appeal is dismissed.

R Walmsley

INSPECTOR