



Appeal Decision

Site Visit made on 15 June 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/B4215/D/21/3271388

2 Waincliffe Avenue, Manchester, M21 7WN

- 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 W Shkoh against the decision of Manchester City Council.
 - The application Ref 128755/FH/2020, dated 30 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development was already in place at the time of my visit and reflected the plans forming part of the appeal application. For clarity, I have considered the appeal based on the submitted plans.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the host property and the area; and
 - on the living conditions of the occupiers of No 4 Waincliffe Avenue with regard to sunlight and outlook.

Reasons

Character and Appearance

4. The appeal property is a two-storey semi-detached property which is situated in an area that generally contains similar pairs of properties along with short rows of terraced dwellings. Although there is variance in the style and design of buildings, they are generally formed of a similar palette of materials, including dark red brick and grey slate roofs. This consistency, as well as the presence of planting within front gardens and along boundaries, contributes to the pleasant, cohesive character of the area.
5. The development, as was applied for, is for a two-storey rear extension that spans most of the width of the property. The ridge of the extension continues from the existing roof line. Although the Council have raised concerns that this lack of a set down adds to the bulk and excessive massing of the extension, the extension has a limited projection to the rear in comparison with the depth of the host property. As such, although the extension does not have

subservient appearance in terms of its height, given its siting and projection, I do not consider that its scale is detrimental to the character of the host property.

6. The rear extension is however clearly distinguishable from the rest of the property due to the different brick material that has been used. Although the appellant states that similar materials have been utilised, I was able to see the brighter colour and smoother texture of the facing bricks in the extension sharply contrasted with the darker brick material on the host property and others in the area. Whilst the extension is to the rear of the dwelling, due to the corner location of the property, the side elevation is clearly visible from Merseybank Avenue, from where, the appeal development appears as an incongruous addition to the host property and the area.
7. I therefore conclude that the appeal development has an unacceptable harmful effect on the character and appearance of the host property and the area. It is contrary to Policy DC1 of the Council's Unitary Development Plan (UDP) and Policies SP 1 and DM 1 of the Council's Core Strategy Development Plan Document (Core Strategy), which require, amongst other matters, for development to have regard to the general character of the property and the overall appearance in the streetscene. It also conflicts with the National Planning Policy Framework (Framework), which states at paragraph 124 that good design is a key aspect of sustainable development.

Living Conditions

8. The appeal extension is only set away from the boundary with No 4 Waincliffe Avenue a short distance and it is therefore in close proximity to the adjoining neighbouring property's rear windows and garden. Although the subject extension is located to the south west of this neighbouring property, I consider the loss of light is limited, and this neighbouring property continues to receive direct sunlight through much of the day.
9. However, the close proximity and the two-storey scale of the extension has introduced significant bulk past the rear elevation of the adjoining neighbour at No 4. It therefore appears as an oppressive structure and has an overbearing impact on the living conditions of the neighbouring occupiers. I was also able to see an outbuilding in the rear garden of No. 4, but this is set further away from the rear elevation of the neighbour's house and is also single storey so does not have the same impact as the appeal proposal.
10. As such, I conclude that the appeal development has an unacceptable harmful impact on the living conditions of the occupiers of No 4 Waincliffe Avenue with regard to outlook. It is contrary to Policy DC1 of the UDP and Policy DM 1 of the Core Strategy, which I consider to be of most relevance to this main issue. These set out the need to have regard to, amongst other matters, the effect upon the amenity of neighbouring occupiers. It would also be contrary to paragraph 127 of the Framework, which seeks, amongst other matters, a high standard of amenity for all existing and future users.

Other Considerations

11. The appellant has made a comparison between the appeal development and an extension up to 4m in height that is said could be constructed using permitted development rights. No details of any alternative proposal are before me and

besides, the extension for which permission is sought, is for a significantly taller two storey development and I consider that its impact on the neighbour's outlook is greater than would be the case with a single storey alternative.

12. Reference has also been made to a two-storey rear extension that is said would be allowed under permitted development. I note the appellant has been selective in referencing the relevant parts of The Town and Country Planning (General Permitted Development) (England) Order 2015 (Order). A full reading of this Order would suggest that the height of the eaves of any extension within 2m of the boundary cannot exceed 3m. As such, a two-storey extension, as claimed by the appellant, would not be permissible. In any event, whether or not such a development could be lawfully erected 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. It would instead be open to the appellant to apply for a determination under section 192 of the above Act for this purpose and my determination of the current section 78 appeal has no bearing on such.

Conclusion

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR