



## Appeal Decision

Site Visit made on 29 June 2021

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 16<sup>th</sup> July 2021**

---

**Appeal Ref: APP/B4215/D/21/3272603**

**21 Pytha Fold Road, Fallowfield, Manchester M20 4UH**

- 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 Z Rashid against the decision of Manchester City Council.
  - The application Ref 129135/FH/2021, dated 15 January 2021, was refused by notice dated 16 March 2021.
  - The development proposed is a rendered part single part/ two storey rear extension with Juliet balcony to form additional living accommodation.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The development applied for has been carried out.
3. As the date of the planning application form has been redacted and is not clearly visible, the application date in the banner heading above is taken from the appeal form.
4. I have determined the appeal on the basis of the Council's description of the development proposed, which I have used in the bullet header above, as it more accurately describes the development. However, I have omitted the words 'retrospective application' and 'retention' as these are superfluous and not acts of development.

### Main Issues

5. The main issues are the effect of the development on the living conditions of the residents of 19 and 23 Pytha Fold Road, with particular reference to light and outlook, and the effect of the development on the character and appearance of the dwelling and the surrounding area.

### Reasons

6. The appeal relates to one half of a pair of two-storey hipped roof semi-detached dwellings. The immediate area is predominantly residential, where the overriding characteristic is of two-storey semi-detached and terrace dwellings of red brick, and a general uniformed original design. This general uniformity provides simple, and balanced buildings. No 21 Pytha Fold Road was originally a red brick dwelling characteristic of the area.
7. The planning application was retrospective following planning permission for the erection of a part single, part two storey rear extension to provide additional living accommodation with elevational alterations

- (Ref. 125459/FH/2019) which was not built in accordance with the approved plans.
8. In particular, the design of the first floor rear extension has been altered from the previously approved hipped roof to a pitched roof, and the ground floor element now has a flat roof instead of the previously approved monopitch roof. There has also been a slight increase in the depth of the ground floor element of the development. The whole dwelling has been finished in a white render and has incorporated grey uPVC window frames and a Juliet balcony.
  9. In my view, the minor increase in the scale, bulk and massing of the alterations to the roof forms of the development and the marginal increase of 0.28 metres in the depth at ground floor level (from that previously approved under 125459/FH/2019) are not so substantial as to be materially harmful to the living conditions of 19 and 23 Pytha Fold Road
  10. In reaching this view I have been mindful that the first floor element of the development has the same approximate 3 metre projection as the previously approved first floor rear extension and that it has been reduced slightly in width. As a result of this the scale and massing of this element of the development is now further away from the shared boundary with No 23 and its habitable windows than the previously approved scheme. I am also aware that the development maintains the eaves line and the pitch of the original dwelling's hipped roof slope above its gable end and is inset the same distance away from the shared boundary with No 19 as the previously approved rear extension. The ground floor element of the development is also situated the same distance away from the shared boundary with No 23 as the previously approved additions.
  11. Whilst I recognise that the depth of the ground floor element of the development exceeds that stipulated in Saved Policy DC1 of the Unitary Development Plan for the City of Manchester 1995 (UDP) I am mindful that the previously approved extension also exceeded this requirement. As such, the negligible increase in the depth of the ground floor extension and the minor changes in the roof forms of the ground floor and first floor elements of the development, from what were previously approved, do not result in such additional bulk as to appear unacceptably overbearing or lead to significant overshadowing or loss of light to the residents of No 19 and No 23.
  12. In addition to the factors above, the Council measures the development's pitched roof to have a ridge line set approximately 1.2 metres lower than the main dwelling's roof. In my view, this contributes to ensuring that the development appears subordinate to the main dwelling. On my site visit I also saw that the change in the shape of this roof is not too dissimilar to the roof design of a neighbouring two storey rear extension to a property on Newstead Avenue, which is to the rear of the appeal site. Therefore, whilst I accept that the development's roof forms are a variance to the dwelling as originally constructed, I consider them and the scale and form of development to respect that of the original dwelling. In this regard, it does not harm that character and appearance of the dwelling and the surrounding area.
  13. The Council has also not raised any objections to the grey uPVC window frames and I have no reason to disagree. Nonetheless, the render appears as a sharply contrasting and incongruous material in this area which is dominated by red brick. In particular, this pair of semi detached dwellings now appear

unbalanced by the use of this inappropriate material. On my site visit I saw that the development is clearly visible from the gaps in between properties on Newstead Avenue and from the windows of neighbouring properties. As a consequence, it appears as an unsympathetic and conspicuous feature in the street scene.

14. The appellant contends that the render gives a much cleaner and tidier appearance to a building, protects the brick work and makes the dwelling more carbon efficient and sustainable. However, I do not consider these factors to outweigh the harm that the development causes to the character and appearance of the dwelling and the surrounding area.
15. The appellant also queries whether the rendering amounts to development for which planning permission is required as the appeal dwelling has not had its permitted development rights removed, is not a listed building, and is not located in a Conservation Area or Area Of Outstanding Natural Beauty. However, whether or not planning permission is required 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. It is open to the appellant to apply for a determination under sections 191/192 of the Act to determine this matter, and any such application would be unaffected by my determination of this appeal. In any case, the rendering of the extension has been carried out as a part of the overall development which needs to be considered as a whole.
16. In light of the above, I therefore find that the development does not conflict with Policies DM1 and SP1 of the Manchester Core Strategy and Saved UDP Policy DC1 in respect of the effect on the amenity of neighbouring occupiers. Nevertheless, it does cause material harm to the character and appearance of the dwelling and the surrounding area, which is an overriding concern. In this respect it conflicts with Policies SP1 and DM1 of the Manchester Core Strategy and Saved UDP Policy DC1 which collectively seek, amongst other things, to protect character and appearance.
17. These policies are broadly consistent with paragraph 127 of the Framework which seeks to ensure that developments are sympathetic to local character and create places with a high standard of amenity for existing and future users. They are therefore not out-of-date.

### **Other Matters**

18. The appellant has put forward a number of other factors in support of his case. These include the provision of additional space to meet the needs of the current occupants of the dwelling and future generations, and the effective use of land. I also recognise that there are some economic benefits associated with the development. These include employment opportunities during the construction of the extension and a potential rise in Council tax payments which would assist Council service provision. However, these factors and benefits could equally be provided for a development without the use of render.
19. In addition, I have been made aware that the appellant has no intention to use the flat roof of the ground floor element of the development as a balcony and that it is not structurally capable of being used for such a purpose. It has also been put to me that the vehicular access and car parking provision has been improved and I recognise that the delegated officer report confirmed that there will not be a detrimental impact on the privacy of the neighbouring occupants

from the provision of the Juliet balcony. However, these matters did not appear to be contentious in the application and are neutral factors that do not weigh in favour of the development.

20. The appellant also contests the number of objections that have been received by local residents. He has put forward that no objections have been received from the immediate neighbouring occupiers and I have had regard to the letters of support that have also been submitted. However, this is not a determining factor in the consideration of an appeal. The question is whether there is unacceptable harm to the character and appearance of the dwelling and the surrounding area, even if letters of objection or support have been lodged.

### **Conclusion**

21. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR