



Appeal Decision

Site Visit made on 22 June 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 August 2021

Appeal Ref: APP/B4215/D/21/3272124

2 Kenslow Avenue, Manchester M8 4FF

- 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 Dawn Buchanan against the decision of Manchester City Council.
 - The application Ref 128794/FH/2020, dated 3 December 2020, was refused by notice dated 26 January 2021.
 - The development proposed is a two storey rear extension with raised decking.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal was submitted, the revised National Planning Policy Framework (Framework) came into force on 20 July 2021. I have taken this into consideration in determining this appeal.

Main Issue

3. I consider the main issue is the effect of the proposal on the living conditions of the occupiers of 40 and 42 Holland Road, with regard to outlook.

Reasons

4. The appeal property is a semi-detached dwelling which is situated on a short cul-de-sac off Holland Road. It has a driveway to the side of the building, beyond which are the rear boundaries of properties on Holland Road, that are set perpendicular to the appeal property.
5. The rear of 40 Holland Road faces the appeal site, beyond its short rear garden. The proposal would introduce an additional two-storey projection in close proximity to this neighbouring property. Whilst the rearward projection and other aspects of the development may be within limits set out in saved Policy DC1 of the Manchester City Council Unitary Development Plan 1995 (UDP), this policy also states that regard will be had to the effect on the amenity of neighbouring occupiers. Due to its proximity to and rising substantially above the shared boundary, the extension would have an overbearing impact on the occupiers of habitable rooms with windows at the rear of this neighbouring property, where it would dominate the outlook as well as having an oppressive effect from the rear garden.
6. I was able to see some trees and vegetation on the boundary between No. 40 and the appeal property, but this neighbouring occupier at present has largely

unobstructed views above the boundary fence across the appeal property's garden.

7. I accept that No. 42's rear elevation already faces the two storey gable of the existing appeal building, and that as the appeal proposal would be offset to the side of this neighbouring property, it would not have an adverse impact on it. Nevertheless, and despite No. 42 having been built with a view of the side of the appeal property, this does not justify the harm that would arise to the occupiers of No. 40, who currently have a largely open outlook beyond their garden above the boundary fence level.
8. I therefore conclude that the proposed development would have an unacceptable harmful impact on the living conditions of 40 Holland Road, with regard to outlook. As such, it would be contrary to saved Policy DC1 of the UDP and Policies SP 1 and DM 1 of the Council's Core Strategy Development Plan Document. 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 130 of the recently revised Framework, which seeks, amongst other matters, a high standard of amenity for all existing and future users.

Other Matters

9. The appellant has made reference to a number of other extensions in the area, including an approved extension at 36 Holland Road. Although this may be of the same house type as the appeal property, No. 36 is set parallel to the neighbouring buildings and not perpendicular to one of them such as in the case of this appeal property. The other referenced property at 15 Highclere Road also has a different relationship to its neighbouring property, 34 Holland Road, as there is an angled boundary between these two properties. Various other extensions have been referenced, but I have limited details on their circumstances. I can confirm that I have determined this appeal on its own merits.
10. The appeal proposal would be a subservient addition to the host property and would not have a detrimental impact on the character and appearance of the area. A lack of harm on this matter is a neutral factor.
11. I note the appeal property has not been extended previously and that the appellant is looking to extend the house to provide accommodation to meet her family's needs. Whilst I sympathise with the appellant, this matter does not outweigh the harm to neighbours' living conditions which I have found.

Conclusion

12. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

F Rafiq

INSPECTOR