



Appeal Decision

Site visit made on 24 August 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/B4215/D/21/3270113

59 Troydale Drive, Manchester M40 2FY

- 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 Mark McCluney against the decision of Manchester City Council.
 - The application Ref 128995/FH/2020, dated 22 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Decision Notice incorrectly lists the addresses of the neighbouring properties as Nos. 57 and 61 Troydale Avenue. This should refer to Troydale Drive and has been corrected in the main issues below.
3. The plans show a completed single storey rear extension on site. However, this is in the process of being constructed. In any event, the nature of the proposal is such that the single storey rear extension must be in place prior to construction, and I have therefore assessed the appeal on the basis of the plans before me.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issue

5. The main issues are the effect of the development on the living conditions of neighbouring occupiers at No. 57 and No. 61 Troydale Drive, with particular regard to outlook and overshadowing; and the character and appearance of the host dwelling and surrounding area.

Reasons

Living conditions

6. The appeal site comprises a mid-terraced dwelling with a modest, fenced rear garden backing onto the footpath at Benville Walk. The terrace has a staggered building line, with the property extending further back than No. 61. A full width rear dormer is present along with evidence of a single storey extension being constructed, on top of which the proposal would be erected.
7. The proposal would span the entire width of the dwelling. It would introduce a solid element of built form at first floor level along the boundaries with Nos. 57 and 61. It would tower above the fencing present and project alongside a considerable amount of the rear garden space at these properties.
8. The proximity, height and mass of the proposal, when combined with the modest nature of the gardens, would create an unduly dominant feature when viewed from these spaces. It would result in an unpleasant overbearing element that would substantially affect the neighbours' enjoyment of their gardens. This is particularly the case for No. 61 where, due to the setback of its rear elevation, an even larger portion of the space would be bounded at one side by a tall expanse of brickwork.
9. The proposal would be particularly visible from the first floor rear window of No. 57 adjacent to the site, where the outlook is already diminished due to the small gardens and proximity of built form opposite. The heightened expanse of brick to the side stretching out along the boundary would further restrict this outlook and exacerbate the sense of enclosure from this window. This would negatively impact the enjoyment of this room for the occupiers. While this room may only be used for sleeping by the current occupiers, it remains a habitable room where a certain level of outlook is to be expected.
10. For similar reasons the proposal would result in unacceptable overshadowing of the back gardens of Nos. 57 and 61. By virtue of its scale and positioning relative to the neighbouring properties it would reduce the amount of light reaching these spaces. This would cause additional overshadowing and increase the length of time during the day where the neighbouring gardens would lack direct sun. While the appellant argues adequate sunlight would remain, no substantive evidence has been provided in this regard.
11. For the reasons given above I find that the development would have a significant adverse effect on the living conditions of neighbouring occupiers at No. 57 and No. 61 Troydale Drive, with particular regard to outlook and overshadowing. As such, it would fail to accord with Policies SP1 and DM1 of the Local Development Framework Core Strategy Development Plan Document July 2012 (the DPD), Policy DC1 of The Unitary Development Plan for the City of Manchester July 1995 (the UDP), and the provisions of the Framework, which together seek to ensure adequate living conditions.

Character and appearance

12. The surrounding area has a notable consistency in the scale, form and design of dwellings, particularly along the immediate terrace. However, this is interrupted by the rear elevation of the appeal property due to the existing full width dormer and single storey extension. As a result, the appeal property contributes negatively to the surrounds.
13. An element of this surrounding consistency lies in the pitched roofs of the properties in this terraced row, including at the appeal site. However, the

proposal would result in a flat roof at first floor level. Saved Policy DC1.3 of the UDP is clear that the Council will not normally approve two storey extensions with a flat roof, particularly if visible from a public highway.

14. The flat roof of the proposal would therefore be a jarring exception among the group of dwellings. While not visible from the front elevation it would be in a prominent location due to the public footpath at the rear where it would be experienced alongside the unaltered rear facades of this row and the consistent roof form. It would contribute to further distinguishing the property from its surrounds, further eroding the consistency in design along this row of terraces. As such, it would appear as an out of place addition that would fail to respect the prevailing style of the properties on the street.
15. For the reasons given above I find that the development would have a significant adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would fail to accord with Policies SP1 and DM1 of the DPD and Policy DC1 of the UDP, which together seek to promote good design.

Other Matters

16. The extension is required to provide additional bathrooms to assist the appellant's role as a foster carer for children and young adults with a range of complex needs. The appellant submits that such facilities would improve the care they could offer in this regard. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Since the appeal is made for accommodation relating to age and potentially disability, the proposal would relate to persons who share a relevant protected characteristic for the purposes of the PSED. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty in arriving at my decision.
17. I do not doubt that the proposal would facilitate a better quality of living accommodation for the occupiers that would meet their specific needs. Nonetheless, this must be balanced with the significant adverse impacts of the proposal identified. I am not persuaded that there are no possible alternatives to the proposal that could deliver similar benefits without conflict with the development plan. Therefore, while I acknowledge the personal circumstances of the appellant, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of the main issues.

Conclusion

18. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR