



Appeal Decision

Site visit made on 30 November 2021

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 21st February 2022

Appeal Ref: APP/B4215/D/21/3279297

77 Birchfields Road, Manchester M13 0XX

- 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 Naheem against the decision of Manchester City Council.
 - The application Ref 130364/FH/2021, dated 11 May 2021, was refused by notice dated 2 July 2021.
 - The development proposed is single storey and part two storey side extension to provide a bedroom, en-suite, utility room, cardio room and sauna on the ground floor and sun room/therapy room on the first floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A part single storey and part 2 storey side extension has been constructed. I have determined the appeal on the basis that retrospective permission is sought for the development that has already been implemented.
3. In April 2020, planning permission (ref 125479/FH/2019) was granted for a single storey side extension, hip to gable roof alteration and installation of a rear dormer to create additional living accommodation. The single storey part of the appeal scheme differs from the approved details and the rear dormer has not been constructed. The permission has not been implemented.
4. The plans submitted to illustrate the development do not accurately reflect its location. Moreover, the plans illustrate the dormer extension that does not form part of the appeal scheme and it has not been constructed. Therefore, I have had regard to the submitted plans only insofar as they relate to the side extension that has been constructed.

Main Issues

5. The main issues are the effects of the proposal on:
 - i) The living conditions of the occupiers of 3 and 5 Meldon Road; and
 - ii) The character and appearance of the area.

Reasons

Living conditions

6. The appeal property is a 2 storey semi-detached dwelling close to the junction of Meldon Road and it shares its side boundary with the rear of properties on

- Meldon Road. These are 2 storey properties with commercial ground floor premises and residential accommodation above and they have rear facing windows in their main elevations and their rear outriggers.
7. The single storey extension does not result in any different impacts on the neighbouring residential occupiers than the previously approved single storey extension. However, the 2 storey extension increases the bulk of built development along the rear boundary of Nos 3 and 5 Meldon Road.
 8. The development is roughly 6m from the kitchen window in the outrigger of No 3. The 2 storey part is not directly opposite, but nevertheless it will be clearly visible from this window. By virtue of proximity, height and length, the extent of 2 storey wall will be overbearing and it will diminish the outlook from the kitchen window. I note the suggestion that the kitchen is not a habitable room. However, the photographs do not clearly illustrate the interior of the kitchen and there is little substantive evidence in this regard.
 9. The outrigger to No 5 has a rear facing external door with a small high level window at first floor level. The 2 storey extension does not extend along the rear boundary opposite the outrigger and it is set slightly further from the appeal site than is No 3. Even if the external door opens into a habitable room, I am satisfied that the development does not result in a poor outlook from the small first floor window to the side of the door.
 10. The side elevation of the 2 storey extension is directly opposite and it is roughly 12m from the habitable room windows in the main rear elevations of Nos 3 and 5. In the absence of clear windows in its side elevation, the development does not result in overlooking between neighbouring windows. Taking account of the size and separation of the extension, it will not result in an unacceptably poor outlook from the main elevation windows in Nos 3 and 5.
 11. The increase in the height and length of 2 storey wall along the boundary will be overbearing to the private outdoor space to the rears of Nos 3 and 5. The increased enclosure of the rear outdoor space arising from the development will be detrimental to the neighbouring residential occupiers. The adverse impact is not mitigated by the flat roof of the development.
 12. Therefore, I conclude that the appeal scheme harms the living conditions of the residential occupiers of 3 and 5 Meldon Road, with particular regard to outlook and overbearing. It conflicts with Policies SP1 and DM1 of the Manchester City Council Core Strategy Development Plan Document Adopted July 2012 (the LP) in relation to development making a positive contribution to the health and well being of residents, considering the needs of all members of the community and having regard to effects on amenity. It conflicts with saved Policies DC1.1, DC1.2 and DC1.4 of the Unitary Development Plan for the City of Manchester Adopted July 1995 (the UDP). These require, among other things, that development is sited away from shared boundaries and that it has regard to effects on neighbouring occupiers including in terms of privacy. It also conflicts with the National Planning Policy Framework (the Framework) in relation to promoting health and well-being with a high standard of amenity for existing and future users.
 13. Although not raised by the Council, the appellant highlights that the proposed first floor balcony would allow overlooking into No 5. This would result in a loss of privacy to the neighbouring habitable rooms and private outdoor space. I

note the suggestion that the modest balcony would not be suitable for sitting out and that an obscure glazed panel could be fitted to prevent overlooking. However, on the basis of the low balcony balustrade illustrated on the plans, and in the absence of dimensions, I cannot be certain that obscure glazing would prevent unacceptable overlooking of the neighbouring property. This is not a matter that could be mitigated by the imposition of a planning condition.

Character and appearance

14. No 77 is in a largely residential area characterised by semi-detached and detached properties in a range of styles and materials. There is a small shopping area at the junction of Meldon Road and Birchfield Road. No 77 is a semi-detached property finished in painted render and with a front gable feature. The neighbouring property, 1 Meldon Road, presents its brick side elevation and various pitched and flat roof extensions towards Birchfield Road. The neighbouring semi-detached properties to the other side of the appeal property pair are finished in brick with 2 storey front bay features and a hipped roof with a side dormer extension. No 77 is not part of a coherent group of properties and the area has a somewhat mixed character and appearance.
15. The single storey side extension to No 77 appears substantially the same as, although slightly longer than, that previously approved. The Council has no concerns in relation to the single storey ground floor extension in isolation and I see no reason to disagree.
16. The first floor extension is set well back from the front elevation of No 77. It has a narrow front elevation and a window to match its host. Notwithstanding its length, viewed from Birchfield Road it is not dominant and it does not overwhelm its host. While 2 storey flat roofs are not characteristic of the area, it is seen in the context of the extensions to the rear and side of 1 Maldon Road. The green screening to its side elevation, although not a living wall, helps soften and assimilate it into its surroundings including wider townscape tree canopies. Consequently, the 2 storey extension is not unduly prominent or incongruous in the Birchfield Road street scene.
17. However, the 2 storey extension is also visible from neighbouring properties and from Meldon Road and Copthorne Crescent. While there are only partial glimpsed views between Meldon Road buildings, the tall, narrow and long 2 storey projection beyond the main rear elevation of No 77 is conspicuous from Copthorne Crescent. By virtue of its size, scale, design and siting, the extension is out of keeping and it is poorly related to the rear of No 77. It is visually obtrusive and discordant and it is not sympathetic to its host or the surrounding built environment. It does not contribute positively to a strong sense of place and it detracts from the overall quality of the townscape.
18. Therefore, the proposal harms the character and appearance of the appeal property and the area. It conflicts with the aims of LP Policies SP1 and DM1 in relation to development being well designed and to enhance the built environment, having regard to local character. It conflicts with saved UDP Policies DC1.1, DC1.2 and DC1.3. These require, among other things, that development should avoid 2 storey flat roof extensions and it should have regard to, and it should not be out of keeping with, the character of the property and the area. It conflicts with the design aims of the Framework.

Other Considerations

19. The neighbouring occupiers of 3 and 5 Meldon Road have not objected to the development, and they have allowed construction access through the rear of their properties. However, while they might be willing to provide supporting letters to the appeal, there are no such third party representations before me. In any case, I am required to be mindful of the impact of the development over its lifetime including upon future neighbouring occupiers. Neither the absence of objections nor potential future neighbouring outbuildings provide a justification for the appeal scheme.
20. Section 149 of the Equality Act 2010 sets out that disability, defined as a physical or mental impairment that has substantial and long-term adverse effects on a person's ability to carry out normal day-to-day activities, is a relevant protected characteristic for the purposes of the Act. As the appellant's particular medical conditions limit his activity, I am required to have regard to the Public Sector Equality Duty (PSED) contained in the Equality Act. This includes having due regard to the need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it, including by taking steps to meet the needs of such persons that are different from the needs of persons who do not share the relevant protected characteristic.
21. The ground floor extension would include a cardio room, sauna and steam room. The first floor would be a sun room/ therapy room. The ground floor facilities would help the appellant maintain movement. The letter from his General Practitioner confirms that the sun room would also have a positive impact on his health and it would prevent further deterioration of his medical conditions. On this basis, the development would clearly be a benefit to the appellant in terms of managing his medical conditions.
22. However, there is little to demonstrate that the appellant's needs could not be substantially met by the recent planning permission which would create a similar extent of ground floor space and a large roof extension. Moreover, it has not been demonstrated that alternative schemes that could deliver similar benefits have either been explored or discounted. In the absence of evidence in this regard, and while I am sympathetic, the appellant's personal circumstances do not outweigh the harm that I have found.

Conclusion

23. For the reasons set out above, the proposal would harm the living conditions of neighbouring residential occupiers and it would harm the character and appearance of the property and the area. It would conflict with the development plan and there are no material considerations, including the appellant's personal circumstances, that would outweigh that conflict.
24. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR