
Appeal Decision

Site visit made on 8 February 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 March 2022

Appeal Ref: APP/B4215/D/21/3284895

11 Lingcrest Close, Manchester M19 2WJ

- 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 Jahan Zaib against the decision of Manchester City Council.
 - The application Ref 129672/FH/2021, dated 10 March 2021, was refused by notice dated 29 July 2021.
 - The development proposed is first floor side extension with front canopy.
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Decision

1. The appeal is allowed and planning permission is granted for first floor side extension with front canopy at 11 Lingcrest Close, Manchester M19 2WJ in accordance with the terms of the application, Ref 129672/FH/2021, dated 10 March 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing & Proposed Site Plans, dwg no. (01)001, revision PL1; Existing Elevations, dwg no. (03)001, revision PL0; Existing & Proposed Floor Plans, dwg no. (02)001, revision PL1; and Proposed Elevations, dwg no. (04)001, revision PL1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Before occupation of the development thereby approved, the proposed first floor window on the side elevation to serve the stair case - (annotated as 8 on the approved plans) shall be non-opening and obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.
 - 5) Before occupation of the development thereby approved, the proposed shower room window on the ground floor rear elevation - (annotated as 8 on the approved plans) shall be obscurely glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Application for costs

2. An application for costs was made by Mr Jahan Zaib against Manchester City Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed first-floor side extension on the living conditions of the neighbours at No.13 Lingcrest Close, with particular regard sense of enclosure and outlook.

Reasons

4. No.11 Lingcrest Close (No.11) is a modern semi-detached dwelling, located toward the end of a cul-de-sac. No.11 benefits from a single storey side extension that is around 2.5m to its eaves with a pitched roof that meets the front elevation just below the bottom cill of the first-floor windows. The proposal is to extend over this existing ground floor extension at first-floor to provide an additional bedroom.
5. No.11 is orientated at right angles to its non-adjoined neighbour at No.13 Lingcrest Close (No.13) such that the rear of No.13 is towards the side elevation of No.11. To the side are two single flat roof garages which are slightly lower in height than the eaves of the ground floor extension to No.11. With the exception of a narrow side access to the garden of No.11, the western, side boundary of the garden of No.13 is formed by the continuous built form of the garages and single-storey extension to No.11. No.11 has also been extended to the rear with a two-storey element projecting over two-thirds of the common (rear) boundary with No.13.
6. The first-floor extension would, to a degree, increase the sense of enclosure experienced by the neighbours at No.13 because it would result in No.11 wrapping round the northern corner of the garden over two-storeys. However, the proposed first-floor extension would be offset from boundary and sited at an oblique angle of around 40 degrees from the rear corner of No.13. Further, only a short section of the rear elevation of the extension would overlap the side boundary of the garden and I do not, therefore, find the increase in the sense of enclosure would be so significant to cause harm to the living conditions of the neighbours.
7. The proposed first-floor extension would not extend the existing ground floor footprint of the dwelling, offset from the existing front elevation of the host dwelling by around 400mm with its two-storey gable facing towards the garages to the side. The existing window to the side elevation facing No.13 (serving the stairs and landing) would be repositioned slightly to the east. The eaves of the gable would align with the eaves of the original roof and, although the ridge is designed to be lower, the mass of the dwelling would inevitably be increased and would be closer to the common boundary with No.13 than existing.
8. However, I saw on my site visit that despite two of its three boundaries being partly enclosed by built form, the garden and rear of No.13 is quite wide and has a relatively open, pleasant aspect notably towards the gardens to the east. The proposed extension would not appear particularly overbearing from No.13 with much of this open aspect remaining.

9. I therefore find that the proposal would not result in a harmful sense of enclosure, or loss of outlook, such that it would cause harm to the living conditions of the neighbours at No.13. Consequently, the proposals would accord with Policies SP1 and DM1 of the *Manchester Core Strategy and Development Plan Document (2012)* and saved Policy DC1 of the *Unitary Development Plan for the City of Manchester (1995)* which together require development, including house extensions, to have regard to the effect on amenity and be appropriate in siting, massing and scale. It would further accord with the guidance at paragraph 130 of the National Planning Policy Framework (the Framework) that development should create places with a high standard of amenity for existing and future users.

Conditions

10. In addition to the standard time limit for implementation, it is necessary to list the plans to which the permission relates as it provides certainty. It is also necessary to ensure that the materials match those of the host dwelling in the interest of visual amenity.
11. The window to the first-floor stairs and landing is proposed to be repositioned on the side elevation facing No.13. A condition requiring this window to be non-opening and obscurely glazed is necessary to ensure the privacy of the neighbours at No.13. For the same reason, given its proximity to the boundary with No.13, it is necessary to impose a condition requiring the ground floor rear shower room window to be obscure glazed.
12. The Council suggest two additional conditions. One is the removal of permitted development rights with regards to windows or door openings and the other seeks to remove permitted development rights for any other use than a dwelling. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Council present very little evidence or justification on this matter and I consider the proposal would not be unacceptable without the conditions. Therefore, I find the suggested conditions are not necessary and consequently they have not been imposed.

Conclusion

13. For the reasons given, and subject to the conditions cited above, the appeal is allowed.

R. Jones

INSPECTOR