



Appeal Decision

Site visit made on 16 September 2022

by K Winnard LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State

Decision date: 06 October 2022.

Appeal Ref: APP/B4215/D/22/3302505

7 Hightrees Drive Manchester M20 2JF

- 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 Chris Cooper against the decision of Manchester City Council.
 - The application Ref 133193/FH/2022, dated 11 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is the erection of a part single, part three storey rear extension to provide additional living accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a part single, part three storey rear extension at 7 Hightrees Drive Manchester M20 2JF in accordance with the terms of the application Ref 133193/FH/2022 dated 11 March 2022, 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: Proposed Plans and Elevations dwg No 2 Revision C, Location Plan and Block Plan.
 - 3) Other than as specified on the application form, 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) Prior to the commencement of development appropriate and comprehensive construction designs for the installation of a proprietary gas membrane, in order to relieve any possibility of landfill gas ingress to the building, shall be submitted for approval to the City Council, as Local Planning Authority. The approved details shall then be implemented as part of the development.
 - 5) Any further development shall not compromise any existing remedial measures previously installed at the site as part of Planning Permission 080297/FO/2006/S1. Upon completion of the works, a Completion/Verification Report shall be submitted to and approved in writing by the City Council, as Local Planning Authority, to ensure that the existing remedial measures have not been compromised.

Procedural Matter

2. The Council amended the description of development and I note that this is the description used within the appeal form by the agent for the appellant. I have accordingly used this description as it provides a more accurate description of the development.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposed development on the character and appearance of the surrounding area, including the effect on the occupiers' neighbouring properties and (ii) the effect on the living conditions of the occupiers of the adjacent neighbouring property with particular reference to any overbearing visual appearance.

Reasons

Character and appearance

4. The appeal property, No 7 Hightrees Drive, (No 7), is the western end terrace of a block of four three storey townhouses located in a modern high density development of three and four storey townhouses and apartments. The development is dominated by tall dwellings primarily with pitched roofs and projecting gables and walls. However, within the streetscene and in particular at the rear of Hightrees Drive and Nell Road there is some variety in elevations with rear projections of a different style and form and differing roof slopes. In addition, on my site visit I observed the extension, recently approved at No 3 Hightrees Drive, in the course of construction. This will add further variation to the streetscene in this location.
5. The extension would be at the rear of No 7 and as such would not be visible from Hightrees Drive. However, it would be visible from the car parking areas adjacent to and at the rear of No 7, and from the rear of the properties on Nell Lane. Whilst it would be a notable addition to No 7, it would be viewed from these areas in the context of the variation in elevations and the extensive tall residential development found in this area. Notwithstanding that it extends across the width of the rear elevation, the proposal has features designed to achieve subservience. It would not therefore be disproportionate and would sit comfortably with its surroundings. I am satisfied therefore that it would not be unacceptably harmful to the character and appearance of the host dwelling nor the streetscene.
6. Whilst visible in closer views from the rear gardens of the adjoining townhouses, Nos 1, 3 and 5 Hightrees Drive, the scale of the proposed extension would be subordinate to the size of No 7. It would be in keeping with the design style of the terrace of dwellings and given its positioning at its end, would not appear unduly large within the site. In my view, it would not unduly harm or dominate views from these neighbouring properties.
7. Therefore, the proposal would not cause unacceptable harm to the visual amenity and character of the area, nor be detrimental to the visual amenities enjoyed by the occupiers of Nos 1, 3 and 5 Hightrees Drive. It would therefore be in accordance with saved Policy DC1 of the Unitary Development Plan for the City of Manchester (UDP) and Policies SP1 and DM1 of the Manchester Core Strategy (adopted 2012) (Core Strategy). Together these policies require

development to have regard to the character and overall appearance of the surrounding area and the effect upon the amenities of neighbouring occupiers.

Living Conditions

8. The Council's principal concern relates to the full width of the proposed extension and the lack of a set back at first and second floor level. From my observations on site and the information submitted to me, I understand that the two windows in No 5 Hightrees Drive (No 5) closest to the proposed extension serve a WC and landing. Outlook from the main rear windows at No 5 would be directly down the length of its rear garden. Whilst there would be a reduction in the off shot gap between Nos 5 and 7, given the positioning I do not consider that the extent of the additional built development would appear unacceptably overbearing to the occupiers of No 5. In addition, due to the position and its orientation on the west side of No 5, I also do not find the extension would give rise to any significant loss of light and overshadowing.
9. Saved Policy DC3.1 of the UDP provides that 2 storey extensions to terraced properties which occupy the full width of the house would not normally be approved. The policy acknowledges that each case should be looked at on its individual merits. In this instance, No 7 is an end terraced property adjacent to a car parking area, and as such a full width extension would not have the overbearing and visual impact as that which might be associated with an extension to a mid-terraced property. In this instance I am satisfied that an exception can be made in this instance given the specific circumstances of the appeal site and its location.
10. Therefore, I conclude that the proposal would not cause unacceptable harm to the living conditions of the occupiers of No 5 Hightrees Drive. It would therefore be in accordance with UDP saved Policy DC1 and Policies SP1 and DM1 of the Core Strategy, which require amongst other things, development to have regard to the effect upon the amenities of neighbouring occupiers.

Other Matter

11. A third party has raised concerns in relation to a loss of view and an impact on daylight and sunlight. For the reasons stated above, I am satisfied that there would be no undue impact on daylight and sunlight as a result of the proposed development. Nor is it the role of the planning system to protect private views.

Conditions

12. A number of conditions have been suggested by the Council. I have imposed conditions in relation to the approved plans and standard time condition as this provides certainty. A condition in relation to materials is necessary to ensure a satisfactory appearance. I have also imposed conditions in relation to measures to ensure the maintenance of gas remediation measures in the interests of public health and safety.

Conclusion

13. For the reasons given and having regard to all matters raised the appeal is allowed as set out in the formal decision notice above.

K Winnard INSPECTOR