
Appeal Decision

Site visit made on 20 September 2022

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/B4215/C/22/3295306

Land at 154 Beresford Road, Manchester M13 0TF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Faisel Hamid against an enforcement notice issued by Manchester City Council.
 - The enforcement notice was issued on 21 February 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a hip-to-gable roof extension and rear dormer.
 - The requirements of the notice are:
 1. Demolish the hip-to-gable roof extension and rear dormer, as shown edged in yellow in the attached photographs ENF/01 and ENF/02, reinstating the roof of the property to its condition before the breach took place, as shown edged in green in the attached photograph ENF/03.
OR
Make alterations to the unauthorised development to ensure that it is constructed in accordance with the conditions and limitations set out in Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Two examples, for illustrative purposes, are attached as ENF/04 and ENF/05.
 2. Remove from the land all building materials, rubble and waste resulting from carrying out the above.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), deemed planning application

Main Issue

2. The main issue is the effect on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal property is a semi-detached dwelling which is situated on Beresford Road and is one of a number of similar designed brick properties located at this end of the street. Each pair was originally designed with a simple hipped roof, central chimney stack and bay windows with overhanging canopies at ground floor. These design details provide the semi-detached pair with a sense of symmetry.
4. The enlargement of the dwelling has been facilitated by the complete removal of its hipped roof and replacement with a gable wall, which also forms the flank wall of the substantial rear dormer that has been constructed. The dormer has been constructed off the rear wall of the property and its size and extent is such that it subsumes the original roof. The extensions to the roof, as a whole, significantly alter the proportions of the original dwelling. The loss of the hipped roof upsets the symmetry of the semi-detached pair and detracts from the design characteristics of the original dwelling. When viewed from the street and neighbouring properties rear gardens, the roof alterations, including the hanging tiles to the gable wall, appear as a dominant and incongruous addition which has a harmful effect on both the character and appearance of host property and the surrounding area.
5. I recognise that it would be possible for the Appellant to construct a hip-to-gable extension under permitted development rights and that those works would also have an impact on the original design symmetry of the semi-detached pair. However, the agreed fallback position available to the Appellant, through the exercise of permitted development rights set out in Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would in my view have a significantly less harmful effect on the character and appearance of the host property than the unauthorised extensions the subject of this appeal.
6. The fallback position would require the eaves of the original property to be reinstated and the rear dormer reconstructed to sit within the rear roof slope. Consequently, the original roof slope and eaves of the property would remain visible, and the dormer would be a more subservient addition to the roof and thus less visually discordant. Furthermore, the bulk of the roof extensions would be significantly reduced. Providing the gable with traditional eaves and constructing it in facing brickwork would ensure that the new gable is less visually conspicuous from the street. Thus, whilst the fallback position is a material consideration, it would be less harmful than the unauthorised extensions the subject of this appeal and I therefore give it little weight.
7. I observed on my site visit those other properties within the street and surrounding area which have carried out extensions and alterations to their properties, including rear dormer extensions. However, I did not see any on Beresford Road which were of the same form and scale as the unauthorised extensions the subject of this appeal. Although the neighbouring property has been extended, those extensions appear visually subservient to the original property and are less visually intrusive. Furthermore, the Council has advised that they are currently carrying out enforcement investigations in relation to unauthorised extensions at properties at Old Hall Lane and Elsdon Road. Those other unauthorised extensions also have a harmful effect on the character of

the area and are thus not precedents that should be repeated. I therefore give these considerations little weight.

8. I appreciate that the occupiers of neighbouring properties have written in support of the proposal. However, those letters of support do not outweigh the harm I have identified in the main issue above.
9. I conclude that the development has a harmful effect on the character and appearance of the host property and the surrounding area. The development is contrary to policies in the National Planning Policy Framework which seek to promote good design. In addition, it conflicts with the design aims of Policies SP1 and DM1 of Manchester's Core Strategy, adopted 2012 and Saved Policy DC1 of the Unitary Development Plan for the City of Manchester.

Human Rights

10. I have taken into consideration the Human Rights Act, 1998 which enshrines in UK law most of the fundamental rights and freedoms contained in the European Convention on Human Rights. I recognise that dismissal of the appeal would interfere with the appellant's rights under Article 8 and Article 1 of the First Protocol. However, given the harm identified, the action is in accordance with the law and pursues legitimate aims of protecting the environment and is necessary and proportionate to the situation.

Overall Conclusion

11. For the reasons given above, and having taken account of all other matters raised, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a variation and refuse to grant planning permission on the deemed application.

Elizabeth Pleasant

INSPECTOR