



Appeal Decision

Site visit made on 16 May 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th June 2023

Appeal Ref: APP/B4215/D/23/3315632

1 Chasetown Close, Manchester, M23 9NS

- 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 and Mrs Stanton against the decision of Manchester City Council.
 - The application Ref 135557/FH/2022, dated 22 November 2022, was refused by notice dated 17 January 2023.
 - The development proposed is described as 'Demolition of existing garage and the construction of a two storey side extension to existing dwelling to include a new porch and associated internal alterations.'
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Decision

1. The appeal is dismissed.

Preliminary matter

2. I have noted the appellants' suggested amendments to the proposal in the appeal statement but as those have not been considered by the Council or made available to neighbouring occupiers for consultation, it would prejudice their interests by not having the opportunity to comment. I am therefore unable to accept the amendments and have considered the appeal on the basis of the plans determined by the Council.

Reasons

3. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the dwelling and the area.
 - the living conditions of the neighbouring occupiers at 35 and 37 Amberwood Drive.

Character and appearance

4. The development plan includes policies DC1.1 and DC1.4 of the Unitary Development Plan for the City of Manchester (UDP) and policies SP1 and DM1 of Manchester's LDF Core Strategy DPD (2012) which together seek to encourage well designed developments that have regard to scale, massing and siting and to the character and appearance of the property and the street scene. National policy in the National Planning Policy Framework (the Framework) also encourages high quality design.

5. The appeal site comprises a modern detached two storey house within a residential estate of dwellings built in the same period and in a similar style. Most of the dwellings in the area are terraced or semi-detached with generally small spaces between them. Those that are detached or on corner plots tend to have rather more space around them and this enhances the character and appearance of the estate.
6. The dwelling has a rectangular plan form with a gabled roof and on its front elevation has a somewhat boxy appearance. It is the first dwelling on this side of the road and has a garage which adjoins the garage of the adjacent end terraced dwelling at 37 Amberwood Drive. The garage block has a flat roof and the distance between the dwellings at first floor level is a positive feature which helps maintain some openness in the street scene.
7. The proposal would demolish the existing garage and extend the dwelling to the side with a two storey extension and with a single storey extension which would wrap around the front and the side of the dwelling. The two storey extension would have a pitched roof with a ridge set significantly lower than the main ridge. Although the front wall of that extension would align with the existing front wall, the difference in ridge heights would be sufficient to give it a subordinate appearance. By extending the dwelling to the side, it would have a less boxy appearance. The single storey extension porch and garage would have a lean-to roof and would add some interest to the front elevation. Seen in isolation, the proposal would result in an attractive dwelling that would harmonise with the style of dwellings in the area and for the reasons given, I disagree with the Council in this regard.
8. However, by reason of the siting and scale of the two storey extension close to 37 Amberwood Drive, the space between the dwellings at first floor level would be significantly reduced and this would detract from the openness that exists at present. I have noted that the appellant says that the neighbour at no 37 would demolish their own garage if planning permission was granted but that would not overcome the loss of space between the dwellings at first floor level. As such, I agree with the Council that the proposal would cause significant harm to the character and appearance of the street scene and the area, contrary to the development policies referred to above.

Living conditions

9. The proposal would extend along half of the length of the side elevation of the appeal dwelling and the new side elevation would be only 7.5m from the rear elevation of 37 Amberwood Drive and significantly closer than at present. The increased mass of building in such close proximity would be unduly overbearing when seen from the rear windows and garden of that property, thereby harming the outlook of those occupiers.
10. The appellants have said in the appeal statement that 'the stereographic sun path diagram demonstrates that the rear of properties of No. 35 & 37 Amberwood Drive would not be adversely impacted by the addition of the proposal' but I have seen no such diagram in the appellant's evidence and have therefore assessed this matter on the basis of my site visit observations. Given its size and orientation to the east of no 37, it would also cause some loss of morning sunlight to that property which given the small size of the rear garden would be unacceptable. Even if the neighbour were to demolish their garage this would not materially change the impact of the proposal on outlook and

sunlight. I have noted that there was no objection from those occupiers but they could change at some point in the future and the Council's policies seek to protect both existing and future occupiers.

11. The proposal would abut the side boundary rather than the rear boundary of the mid-terraced dwelling at 35 Amberwood Drive which has a slightly longer rear garden. It would be seen in oblique, rather than direct, views from there. However, given its size and proximity, it would also be overly dominant when seen from that property and there would be some loss of sunlight during the morning and early afternoon due to its orientation to the south-east of that garden.
12. I have considered carefully the other examples in the area referred to but disagree with the appellant that they set a precedent for this proposal. All of those have significant differences from this case. The example at Shady Lane is not overlooked directly; Flamstead Avenue has a greater degree of separation from its neighbour and is not overlooked from that property; in the example at Amberwood Drive, both are corner properties and the extension is not overlooked directly; at Wadebridge Avenue, the property lies within a row of dwellings rather than at one end of the street; the example at Bedlington Close has a similar relationship with its neighbour to this case but is a chalet style dwelling and the extension is of a lesser size and scale with a lower impact on its neighbour. None of those extensions, therefore, are directly comparable with this case which I have determined on its own merits.
13. I conclude then that the proposed development would result in significant harm to the living conditions of the occupiers of nos 37 and 35 Amberwood Drive in terms of outlook and sunlight, contrary to the development plan policies referred to earlier which also seek to protect the amenity of neighbouring occupiers from development proposals.

Other matters

14. I have had regard to the personal circumstances of the appellants and their ongoing health issues and disabilities. However, I have not been told of any sufficiently compelling need that would justify an extension of this size in this position or that there is no alternative means of making provision for those issues at the property.
15. I have not been told that the removal of the concrete and asbestos garage is necessary for any reason and even if that were the case, the proposed extension is not necessary for that.
16. These matters do not, therefore, outweigh the harm I have identified.

Conclusion

17. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and would also fail to accord with the Framework. There are no material considerations that would outweigh this and the appeal should be dismissed.

Sarah Colebourne

Inspector