



Appeal Decision

Site visit made on 12 December 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2024

Appeal Ref: APP/B4215/D/23/3327075

200 Holmcroft Road, Manchester M18 7NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Madade Chahwanda against the decision of Manchester City Council.
 - The application Ref 137004/PDE/2023, dated 11 May 2023, was refused by notice dated 21 June 2023.
 - The development proposed is single-storey rear extension with a pitched roof.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(7) of Class A requires that, where any owner or occupier of an adjoining premises objects to a larger rear extension, the local planning authority must assess the impact of the proposal on the amenity of any adjoining premises. In this case an objection was received from the occupants of one of the properties adjoining the appeal site.
4. In refusing the application, the Council cited policies of the Unitary Development Plan (UDP) and the Core Strategy Development Plan Document (CS). However, the principle of the development is established by the GPDO, and the prior approval provisions does not require regard to be had to the development plan. I can therefore only have regard to any part of such policies that are relevant to an assessment of the effect of the proposal on amenity. UDP Policy DC1.1 and CS Policy DM1 are the only cited policies that is relevant to an assessment of the effect of the proposal on amenity and, accordingly, they are the only policies that I have considered.
5. The Government published a revised National Planning Policy Framework (the Framework) on 20 December 2023, replacing the last version. However, as the parts of the Framework most relevant to this appeal have not significantly changed there is no requirement for me to seek further submissions on this latest version. I am satisfied no party would be prejudiced by determining the appeal accordingly.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at 198 and 202 Holmcroft Road (No 198 and No 202), having particular regard to outlook and light.

Reasons

7. The appeal property is a semi-detached dwelling with a garden of modest length, with dwellings to either side. To the rear is an area of trees and vegetation. The proposal would provide a single storey rear addition, extending 6m beyond the rear elevation of the dwelling across the full width of the property.
8. The adjacent property at No 202 is separated from the appeal site by a driveway and close boarded fence. Given the distance between the appeal site and No 202 I consider that the proposal would not dominate views from the rear windows to the extent that it would cause unacceptable loss of light, outlook or sense of enclosure. It would not, therefore, unacceptably harm the living conditions of the occupiers of that neighbouring property.
9. The proposal would extend very close to the common boundary with No. 198 and would be separated from that property by a close boarded fence. At 2.525m in height, the eaves would extend some distance above the height of the fence on the common boundary with No 198. The roof would pitch away from the shared boundary and would extend to an overall ridge height of 3.77m. The height, depth, and proximity of the rear extension to the common boundary would result in it having a significantly enclosing and dominating effect on the outlook from the rear windows of No 198 and would reduce the enjoyment of the garden. Furthermore, given the orientation of the properties, the proposed extension would cause some loss of sunlight and daylight. Overall, the adverse impact on the living conditions of the occupiers of No 198 would be significant.
10. For these reasons the single storey rear extension would unacceptably harm the living conditions of neighbouring occupiers at 198 Holmcroft Road, having particular regard to outlook and light. Accordingly, insofar as it is relevant, it would be contrary to UDP Policy DC1.1 and CS Policy DM1 as they seek to ensure development has regard to effects on amenity.

Public Sector Equality Duty

11. I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
12. I acknowledge that the proposed extension would provide a bedroom, toilet and shower at ground floor level, and would therefore be more accessible than the existing arrangements. However, there is nothing before me that demonstrates that the appeal proposal represents the only option and that the provision of any necessary additional living accommodation could not be achieved through a smaller and less harmful scheme. Consequently, the adverse impacts of dismissing the scheme on those with protected

characteristics would be proportionate, having regard to the harmful effect of the proposed development on the living conditions of the occupants of No 198.

Other Matters

13. The larger scale, non-residential nature of nearby structures, the acceptability of the design and lack of harm to the character and appearance of the area are not material considerations under the conditions, limitations or restrictions applicable to development under Article 3(1) and Schedule 2, Part 1, Class A. As such they fall beyond the scope of the prior approval process to which this appeal relates.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR