

Appeal Decision

Site visit made on 12 December 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2024

Appeal Ref: APP/B4215/D/23/3330945

46 Assheton Road, Newton Heath, Manchester M40 1NL

- 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 Katie Buckley against the decision of Manchester City Council.
 - The application Ref 136689/FH/2023, dated 6 April 2023 was refused by notice dated 14 August 2023.
 - The development proposed is a two storey and single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 44 Assheton Road with regard to outlook and light.

Reasons

3. The proposal includes a two storey addition above the existing single storey extension and it is this element that concerns the council. It would extend to the boundary with the attached property, 44 Assheton Road and would result in a two metres deep wall in very close proximity to the main rear facing first floor window of that house. It would unacceptably reduce the outlook from that room and be overbearing when within it. Given the orientation, it would also block direct sunlight from that room in the early morning. It would result in unacceptable harm to the living conditions of the neighbouring residents due to the reduction in sunlight and outlook.
 4. Given the above, the proposal would be contrary to the amenity requirements of policy DM 1 of the Manchester Core Strategy Development Plan Document (2012) and saved Unitary Development Plan (1995) policies DC1.1b and DC1.2b. I also find conflict with the *National Planning Policy Framework* 2023 which seeks a high standard of amenity for existing and future users.
 5. It is apparent that the neighbouring property (48) and a similar property three doors to the east (52), have had similar first floor extensions built. Although I do not have the plans for these, they appear to have a greater depth along the shared boundary. They differ in that they are located on the western property of each semi-detached pair which would impact on evening sunlight rather than
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morning sunlight. I have no reason to believe that the relationship with the neighbouring bedroom windows would be any different in terms of outlook. Whilst it would appear that there has been some inconsistency in decision making, it is not clear when these additions were approved or the particular circumstances of each case that led to the decision. Whilst these two examples offer support for the proposal, I must consider it on its own merits and in light of the planning policies currently relevant.

6. I have had regard to the lack of objections and the benefits that such works would bring. However, given the clear harm, these benefits and the presence of the similar examples identified, do not outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR