



Appeal Decision

Site visit made on 4 April 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th April 2024

Appeal Ref: APP/B4215/D/23/3335605

38 Whitebrook Road, Manchester M14 6FD

- 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 Arooj Arshad against the decision of Manchester City Council.
 - The application Ref 138306/FH/2023, dated 11 October 2023, was refused by notice dated 20 November 2023.
 - The development proposed is creation of a first floor side and rear extension and front porch.
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Decision

1. The appeal is allowed and planning permission is granted for creation of a first floor side and rear extension and front porch at 38 Whitebrook Road, Manchester M14 6FD in accordance with the terms of the application, 138306/FH/2023, dated 11 October 2023, 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 Floor Plans (drawing ref. WBR-R00-PR-102 and 103); Proposed Elevations (drawing ref. WBR-R00-PR-104); and Proposed Sections (drawing ref. WBR-R00-PR-106).
 - 3) 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, (or any order revoking and re-enacting that Order with or without modification), no additional glazing, windows, or doors, other than those shown on the approved plans, shall be inserted at the property unless Planning Permission is specifically granted.
 - 5) Before first occupation the windows in the first floor side elevation shall be obscure glazed to a specification of no less than level 5 of the Pilkington Glass Scale or such other alternative equivalent and shall remain so in perpetuity.

Procedural Matter

2. I have also dealt with another appeal (Ref. APP/B4215/D/23/3335604) for this site. As the appeals were not linked, it is subject of a separate decision.

Main Issues

3. The main issue in this case is the effect of the proposed first floor extension on the character and appearance of the host dwelling and wider area, and on the living conditions of the neighbours, with regards outlook.

Reasons

Character and appearance

4. No.38 Whitebrook Road (No.38) is a two-storey semi-detached dwelling sited at the end of a row of dwellings on the north side of Whitebrook Road.
5. No.38 benefits from an existing single storey side extension that continues the principal front elevation of the dwelling, but is set behind a porch. It is proposed to replace this porch and extend at first floor over the existing side extension, but offset from the front elevation by 1m. The eaves of the first floor side extension would be the same height as the host roof, but the ridge (of the hipped roof) would be lower, by around 1m. This element is common between the two appeal proposals.
6. I observed on my site visit that, whilst dwellings on either side of Whitebrook Road are similar in design and appearance, with characteristic double bays and hipped roofs, many have been altered and extended over the years. There is, therefore, a degree of variety in the streetscene. The proposed first floor side extension would not appear incongruous in this context, and its set back from the principal elevation of No.38 (albeit by only 1m) means it would appear subordinate to it. Further, because of the location of No.38 at the end of the row and its siting perpendicular to dwellings on Caxton Road, extending to the side at first floor would not result in a 'terracing effect' to the streetscene, as alleged by the Council.
7. The proposed first floor extension to the side of No.38 would project a depth of around 6.78m and wrap around the rear over part of an existing ground floor rear extension. On both sides, the proposed first floor extension would be set in around 1m from the edge of the ground floor extension projecting a maximum depth of 4m. Closest to its attached neighbour at No.36 Whitebrook Road (No.36), the proposed extension is then angled (by around 45 degrees) from the boundary, effectively chamfering the corner, so reflecting the design of the ground floor extension.
8. The proposed first floor rear extension has been designed with a double gable, with a ridge height around 1.35m below that of the host roof. I accept that this serves to reduce the overall massing, and by setting the extension off the ground floor at either edge, the proposed extension would appear a sympathetic, balanced addition to the rear elevation. In this regards it differs from the alternative appeal proposal before me.
9. I therefore conclude on the first main issue that the proposed first floor rear extension would not cause harm to the character and appearance of the host dwelling. Consequently, there would be no conflict with Section 12 of the

National Planning Policy Framework (the Framework) or policies DM1, EN1 and SP1 of the Core Strategy Development Plan Document (2012) (CS) which together require development to be of good design, that enhances or creates character, and is appropriate in form, scale and massing. It would further accord with saved Policy DC1 of the Unitary Development Plan for the City of Manchester (1995) (UDP) in so far as it requires residential extensions to have regard to the general character of the property, not be excessively large or bulky, and be subservient to the original house.

Living conditions

10. The proposed first floor rear extension would be offset around 1m from only the party wall with the adjoining neighbour at No.36 Whitebrook Road (No.36). and would project along the common boundary before being returned at a 45 degree angle. I observed on my site visit that No.36 has a first floor window on its rear elevation close to the party wall which is designed as a shallow bay, such that there is a degree of outlook toward No.38.
11. However, the proposed first floor extension has been designed so that the 45 degree angle taken from the centre of the this window would not be encroached. I do not find the proposal would appear unduly overbearing from this window, particular given the offset from the party wall. The principal outlook from the bay would remain over the flat roof of the ground floor extension to No.36 and the garden beyond. No.38 is sited perpendicular to dwellings fronting Caxton Road, and backs onto dwellings on Wilbraham Road, sharing common boundaries. I observed, however, that the proposed first-floor extension would be a reasonable separation distance from these dwellings, and I am not persuaded that the proposed extension would result in a visually obtrusive massing, as alleged by the Council, such that it would cause harm to the living condition of these neighbours.
12. For these reasons, I conclude on the second main issue that the proposed first floor extension would not cause harm to the living conditions of neighbours, through loss of outlook. There would, therefore, be no conflict with CS policies DM1, SP1 and UDP policy DC1 in so far as they require development (including residential extensions) to have regard to the effect upon amenity of neighbouring occupiers and the wellbeing of residents. Nor would there be conflict with paragraph 135 of the Framework which requires development to create places with a high standard of amenity for existing and future users.

Conditions

13. In addition to the standard time limit for implementation of the planning permission, I have imposed a condition that specifies the approved drawings, in the interests of certainty. To ensure a high quality development, I have also attached a condition requiring that the materials used to construct the extension match those of the existing dwelling.
14. The Council have suggested a condition that removes national permitted development rights in so far as they relate to additional openings, including windows and doors. Given the proximity of the first floor extension to the side boundaries of No.38, I concur that such a condition is necessary in order to protect the amenity of the occupiers of neighbours. For the same reason, it is also necessary to impose a condition requiring the proposed window on the first floor side elevation to be obscure glazed.

Conclusion

15. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR