

Appeal Decision

Site visit made on 11 December 2024

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2024

Appeal Ref: APP/B4215/D/24/3350432

153 Victoria Avenue East, Manchester, M9 6HL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Linh Su against the decision of Manchester City Council.
 - The application Ref is 140117/FH/2024.
 - The development proposed is retrospective approval on a non-permanent rear conservatory which is predominantly transparent and 2.5m from ground to eaves level.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development the subject of this appeal has already taken place. It is referred to as the development below.
3. The Council notes that the conservatory the subject of this appeal adjoins a development not built according to approved plans¹ but “does not raise any concern” in respect of that development.

Main Issues

4. The main issues in this case are the effect of the development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to outlook and daylight.

Reasons

Character and appearance

5. The appeal property comprises a two storey, semi-detached dwelling. It is located in a residential area, characterised by the presence of two storey detached and semi-detached dwellings.
6. Dwellings in the area tend to be set behind short front gardens and/or parking areas and have longer gardens to the rear. The presence of garden areas, street trees and wide pavements affords the area green and spacious qualities.

¹ Reference: 129976/FO/2021.

7. The development comprises a large rectangular conservatory that adjoins an existing extension and extends across the majority of the width of the appeal property. Combined with the use of semi-permeable polycarbonate materials, this results in a conservatory that appears overly large, bulky and constructed of poor materials.
8. The materials used to construct the conservatory appear out of keeping with the host dwelling's brick, tile and render materials. Added to the overly-wide, unduly bulky and somewhat boxy appearance of the conservatory, it results in a development that detracts from the appearance of the host dwelling and its surroundings.
9. Given this, I consider that the development harms the character and appearance of the area, contrary to the National Planning Policy Framework; to Core Strategy² Policies SP1, DM1 and EN1; to UDP³ Policy DC1; and to Places for Everyone⁴ Policy JP-S1, which together amongst other things, seek to protect local character.

Living conditions

10. As above, the conservatory projects considerably to the rear and extends across the full width of the property. This results in a continuous form of development in almost immediate proximity to the shared rear boundaries with Numbers 149 and 155 Victoria Avenue East.
11. The projection, height and immediate proximity of the conservatory results in it looming above these shared boundaries to an overbearing degree, to the considerable detriment of the outlook of neighbours to the rear.
12. Further to the above, due to its height, projection and proximity to these neighbouring properties, I find that the development results in some reduction of daylight reaching those properties. Whilst I note that the conservatory is semi-permeable, it still creates shadow and reduces the amount of natural light received by adjacent areas.
13. Taking all of the above into account, I find that the development harms the living conditions of neighbouring occupiers, with regards to outlook and daylight. This is contrary to the National Planning Policy Framework; to Core Strategy Policies SP1 and DM1; to UDP Policy DC1; and to Places for Everyone Policy JP-S1, which together amongst other things, seek to protect residential amenity.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

² Manchester Local Development Framework Core Strategy Development Plan Document (2012).

³ The Unitary Development Plan for the City of Manchester (1995).

⁴ Places for Everyone Joint Development Plan Document (2024).