



Appeal Decision

Site visit made on 21 January 2025

by **C Harding BA (Hons) PGCert PGDip MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/B4215/W/24/3353956

74-76 Old Hall Lane, Manchester M14 6HN

- 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 Matt Austin on behalf of Auskop Ltd against the decision of Manchester City Council.
 - The application Ref is 139875/FO/2024.
 - The development proposed is erection of single storey rear extension to HMO dwellings at 74-76 Old Hall Lane.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension to HMO dwellings at 74-76 Old Hall Lane, Manchester, M14 6HN in accordance with the terms of the application, Ref 139875/FO/2024, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - 22-1156 (02) 001 Rev PL0 – Existing and proposed GA floor plan
 - 22-1156 (03) 001 Rev PL0 – Proposed GA elevations
 - 22-1156 (04) 001 Rev PL0 – Existing and proposed GA site plans
 - 22-1156 (05) 001 Rev PL0 – Location Plan
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building/dwelling.
 - 4) The development hereby approved relates to the use of 74 and 76 Old Hall Lane as two separate houses in multiple occupation (Class C4) with a maximum of six resident occupants and for no other purpose.
 - 5) The development hereby permitted shall not be occupied until boundary fencing separating the front and rear gardens of 74 and 76 Old Hall Lane has been implemented in accordance with the details specified on drawing “Existing & proposed GA site plans Ref: 22-1156 (04) 001 Rev PL0”. The implemented details shall be maintained in situ thereafter.
 - 6) Notwithstanding the detail of “Waste Management Strategy 74 & 76 Old Hall Lane Manchester M14 6HN (Final)” by Fellows Environmental dated 19 February 2024 and “Waste management proforma” dated 21 February 2024 and before the occupation of the authorised development, details of the

siting, capacity, design and appearance of the bin stores shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the development and maintained in situ thereafter.

- 7) The development hereby permitted shall not be occupied until the proposed en-suite windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) Before the occupation of the authorised development, a scheme shall be submitted to and approved in writing by the local planning authority relating to the permeable specification of new external surfaces. The approved scheme shall be fully implemented prior to the occupation of the development and maintained in situ thereafter.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be inserted into any elevation.

Preliminary Matters

2. At my site visit I saw that a single storey extension is currently in place at the appeal property, although the configuration of windows reflected that of a previous planning permission¹. Although I understand that the only difference between that scheme and appeal proposal is the location of a single window, I cannot be certain that the extension as built on site wholly reflects the plans which are before me. I have therefore considered the appeal on the basis of the proposed plans.
3. The appellant has provided two further drawings within their evidence. These drawings do not amend the scheme and instead provide greater context in terms of the relationship of the appeal site and its surroundings. The Council has had opportunity to comment on them. Therefore, no party has been prejudiced by me taking account of these drawings.
4. A revision to the National Planning Policy Framework ('the Framework') was published in December 2024. The amendments did not have a bearing upon the issues in this appeal, and it was therefore not necessary to seek comments from the main parties upon it.

Main Issue

5. The main issue is the effect of the proposal upon the living conditions of occupiers of nearby properties and future occupiers of the proposal with particular regard to privacy.

¹ 139029/FO/2024

Reasons

6. The appeal properties present a rear elevation towards the side elevation of a neighbouring property, 60 Birchfields Road ("no 60"), which contains two ground floor windows, a door and as well as windows at first floor level. Due to a fall in topography on Birchfields Road, the ground floor level towards the rear portion of no 60 sits above the level of the rear garden, with the side door being accessed via a flight of steps.
7. The ground level of the appeal site is also at this lower level and the proposed floor level of the extension would reflect this. Consequently, the facing windows at no 60 are all located at a higher level relative to those within the proposal.
8. Of the windows in the side elevation of no 60, I saw that most, although not all, are obscure glazed, and there would be direct overlooking of the appeal site from an elevated position.
9. The Council has previously granted planning permission for a single storey extension at the appeal properties with bedroom windows facing towards no 60. The proposal before me differs, primarily, in that a window serving Bedroom 3 previously proposed in the eastern (side) elevation would be relocated to the rear elevation. This is the only element of the scheme about which the Council has raised concern.
10. In terms of proximity to the shared boundary, the relationship between the proposal and no 60 would be close. However, there are other factors to consider. The closest clear glazed window in the side elevation of no 60 is set further to the east and beyond the side elevation of the appeal properties. It therefore primarily provides views out over the side garden area rather than towards the rear elevation of the appeal properties. While I acknowledge that it could be possible for there to be a degree of intervisibility between this window and the window proposed for Bedroom 3, any such views would be towards the edge of the field of view as a result of this positioning.
11. Moreover, the relative difference in height between these windows would further move any intervisibility towards the peripheries, as angles between the two would be oblique in both planes. On this basis, and while the separation between the appeal proposal and no 60 would be around 8 metres relative to the shared boundary, I nevertheless consider it unlikely that there would be extensive views between clear glazed windows such that they would result in unacceptable living conditions for occupiers of either property.
12. Therefore, the proposal would not lead to unacceptable living conditions for either future occupiers of the appeal property, or existing occupiers of neighbouring properties with particular regard to privacy. It would be in accordance with Manchester's Core Strategy Development Plan Document 2012 ("MCS") Policies EN1, DM1 and SP1, which together and amongst other factors seek to ensure that all development has a high standard of design, represents the creation of a well-designed place, and has regard to its effect on amenity.

Conditions

13. I have considered the Council's suggested conditions in the context of the tests set out in the Framework and Planning Practice Guidance. Where necessary, I have amended the conditions in the interests of clarity and meeting the relevant tests.
14. In addition to the standard condition relating to the time limit for implementation, I have attached conditions specifying the approved plans, that the properties shall remain as two separate Use Class C4 Houses in Multiple Occupation ('HMO') and that materials to match the existing building be used in the interests of clarity and the character and appearance of the area.
15. A condition relating to the subdivision of the external space is required in the interests of the living conditions of future occupiers of the properties, and a condition relating to the provision of additional details and implementation of bin storage facilities is required in the interests of the character and appearance of the area, as well as the living conditions of existing and future residents.
16. Given the close relationship between the appeal property and those neighbouring it, a condition preventing the insertion of further windows into the property without the need for further planning permission is required in the interests of the living conditions of existing and future residents. I have amended the suggested condition in relation to the use of obscure glazing, as it has not been shown that it would be necessary to obscure glaze a window serving an upstairs landing, but have otherwise attached the condition insofar as it relates to windows serving ensuite bathrooms, in the interests of the living conditions of future occupiers and occupiers of neighbouring properties.
17. I have also attached a condition requiring further details of permeable surfaces in the interests of preventing flood risk and the character and appearance of the area. I have noted that appellant's comment in relation to duplication of other legislation, however I have not been directed to the specific part of the Building Regulations which would be duplicated. I therefore consider that such a condition would be reasonable in this instance.
18. I have not attached the Council's suggested condition in relation to a contaminated land watching brief as there is no evidence before me to indicate that the appeal property is subject to an unusually high level of risk in this regard. It has not, therefore, been shown that such a condition would be necessary in order to make the development acceptable.

Conclusion

19. On the basis of my reasoning above, the proposal would be in accordance with the development plan when read as a whole, and there are no material considerations which would indicate taking a decision other than in accordance with it. I therefore conclude that the appeal should be allowed.

C Harding

INSPECTOR