



Appeal Decisions

Site visit made on 24 February 2025

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2025

Appeal A Ref: APP/B4215/C/24/3339444

Appeal B Ref: APP/B4215/C/24/3339445

Appeal C Ref: APP/B4215/C/24/3339446

Appeal D Ref: APP/B4215/C/24/3339447

Appeal E Ref: APP/B4215/C/24/3339448

Appeal F Ref: APP/B4215/C/24/3339449

Land at 147 Woodlands Road, Cheetham, Manchester M8 0NG

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeals are made by Mr Aurangzaib Amirat (Appeal A), Mrs Fatma Amirat (Appeal B), Mrs Nabila Amirat (Appeal C), Mr Muhammad Amirat (Appeal D), Miss Sana Amirat (Appeal E), and Miss Noor El Huda Amirat (Appeal F) against an enforcement notice issued by Manchester City Council.
- The notice was issued on 19 February 2024.
- The breach of planning control as alleged in the notice is: without planning permission, the erection of a side extension.
- The requirements of the notice are to: Demolish the side extension, the location of which is shown edged red on the attached photograph ENF/PHOTOGRAPH1, in its entirety and make good the external walls using materials that are similar to those used in the construction of the dwelling house.
- The period for compliance with the requirements is: 6 months after the notice takes effect.
- The appeals are proceeding on the ground set out in section 174(2)(b) of the Town and Country Planning Act 1990 (as amended).

Decision

1. The appeals are dismissed and the enforcement notice is upheld.

Preliminary Matters

2. Despite a number of references throughout the appellants' submission to the acceptability of the development and justifications for it, an appeal on ground (a) has not been made. Therefore, the planning merits or otherwise are of no consequence to my determination of these appeals.
3. The appellants have drawn my attention to a large canopy structure at a neighbouring property which they consider to be unacceptable, and they seek enforcement action from the Local Planning Authority. However, that matter is beyond the scope of these appeals, and is instead a matter between the respective parties.

The appeal on ground (b)

4. An appeal on ground (b) is that the matters alleged to constitute the breach of planning control have not occurred as a matter of fact. This is a legal ground of appeal, and the onus of proof is firmly on the appellant to demonstrate that some or all of the alleged matters had not in fact occurred at the time the notice was issued. Therefore, to succeed on this ground the appellants are required to

demonstrate, on the balance of probability, that the erection of a side extension has not occurred.

5. The appellants do not dispute that they have constructed a canopy type structure to the side of the dwelling. However, they dispute that this constitutes an 'extension' to the property.
6. In my view, the term 'extension' is a commonly used term that is well understood to mean a part that is added to something to enlarge it, or the action or process of enlarging or extending something. In a planning context, an extension to a building would be something that enlarges its built form or increases its floor area.
7. This definition is consistent with the language used in Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, which refers to *'the enlargement, improvement or other alteration of a dwellinghouse'*, and is generally understood as terms used to describe extensions to a dwelling.
8. In this case, the canopy consists of a substantial timber frame structure with transparent polycarbonate sheets forming its mono-pitch roof and most of its walls. Whilst not fully weatherproof, owing to a void in its front elevation, the structure is physically fixed to the side brick-built elevation of the house, along with a form of flashing material creating a weatherproof seal between the roof of the structure and the adjacent brick elevation. During my visit, I could see that the enclosed canopy area is used for the drying of clothes, the growing of plants, and the storage of domestic paraphernalia.
9. Consequently, whilst of a somewhat rudimentary design and construction, the canopy structure has enlarged the built form of the dwelling and increased its floor area. Logically, it is therefore an extension to the property.
10. Bringing all these points together, I find that the erection of a side extension, as alleged, has occurred as a matter of fact. Therefore, the appeal on ground (b) must fail.

Conclusion

11. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

J M Tweddle

INSPECTOR