



Appeal Decision

Site visit made on 9 September 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 SEPTEMBER 2025

Appeal Ref: APP/B4215/C/25/3362600

108 Delamere Road, Manchester, M19 3WR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Sajjad Hussain against an enforcement notice issued by Manchester City Council.
 - The notice was issued on 18 February 2025.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of a single storey side and rear extension.
 - The requirements of the notice are to 1. Demolish the single storey side and rear extension in its entirety, the approximate location of which is hatched blue on the attached plan (PLAN/01), 2. Return the side and rear elevations to their condition before the breach occurred, removing any plaster and/or other material affixed these elevations, and 3. Remove any rubble and debris, returning the land to its state before the breach
 - The period for compliance with the requirements is three months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
-

Decision

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) appeal and the deemed planning application

Main Issues

2. An appeal made on ground (a) of section 174(2) of the Act is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice.
3. I have considered the reasons for issuing the notice and the main issue is the effect of the breach planning control on the character and appearance of the area.

Reasons

4. The appeal property is an end of terrace dwellinghouse at the junction of Delamere Road and Elmsworth Avenue. Many of the properties in the local area are constructed from brick or part brick and have pitched roofs. They are positioned in a linear terraced block form thereby ensuring a pleasing and orderly character and appearance to the area.
5. The walls of the appeal extension are constructed from white render, and it has a felt-constructed and essentially flat roof. Despite the part screening offered by existing boundary walls and vegetation, the development is nonetheless

conspicuous and prominent when experienced in the street-scene. Owing to its flat roof design and white render walls, I do not find that it assimilates well with the brick-built host property, or indeed in the context of other predominantly brick built properties in the locality. In my judgement, and, for these reasons, the unauthorised development constitutes poor design.

6. As part of the appeal, the appellant has submitted an 'alternative scheme' which includes the construction of a new outer brick façade and the replacement of the flat roof with a sloping roof. In my judgement, the alternative scheme constitutes a fundamentally different development proposal from the breach of planning control. The ground (a) appeal can only relate to the whole or part of the matters alleged in the breach of planning control. Consequently, I pass no comment on the planning merits of such an alternative scheme, although I emphasise that it would be open to the appellant to discuss this separately with the local planning authority (LPA), including the possibility of submitting a planning application to it.
7. For the above reasons, I find that the breach of planning control causes significant harm to the character and appearance of the area. It does not constitute good design. Therefore, it fails to accord with the character, appearance and design requirements of policies SP 1 and DM 1 of Manchester's Local Development Framework Core Strategy Development Plan Document 2012 (updated 2024); policy JP-P1 of Places for Everyone Joint Development Plan 2024; saved policy DC1 of the Unitary Development Plan for the City of Manchester 1995, and chapter 12 of the National Planning Policy Framework 2024 (as amended).

Ground (a) Appeal Conclusion

8. I conclude that the development does not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails.

Ground (f) appeal

9. An appeal on ground (f) is made on the basis that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control or to remedy any injury to amenity which has been caused by any such a breach.
10. The purpose of the notice is to remedy the breach of planning control by removing the side and rear extension in its entirety. In this regard, the steps required by the notice to be taken are not excessive.
11. I have considered the appellant's alternative scheme but for the reasons outlined as part of my consideration of the ground (a) appeal, this would constitute a different form of development from the breach of planning control.
12. Notwithstanding the above, the LPA acknowledge that the alternative scheme would *'be an improvement to the unauthorised development'*. I do not know if the LPA considers the alternative scheme to be acceptable from the point of view of potentially granting planning permission for it. That is a matter for possible and separate discussion between the LPA and the appellant. I emphasise that in the event that any such planning application were submitted, and approved by the LPA, then section 180(1) of the Act states *'where, after the service of— (a) a copy*

of an enforcement notice; or (b) a breach of condition notice, planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission'.

13. For the reasons outlined above, I conclude that the ground (f) appeal fails.

Conclusion

14. I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

D Hartley

INSPECTOR