
Appeal Decision

Site visit made on 17 June 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/B4215/D/25/3364608

11 Ardern Road, Manchester M8 4WN

- 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 Mr Rosenbaum against the decision of Manchester City Council.
 - The application Ref is 141576/FH/2024.
 - The development proposed is erection of a two-storey front extension, single side extension, part single, part two storey rear extension and installation of rear dormer.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on the 12th December 2024. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by this.

Procedural Matters

3. The description of development is as stated on the application form. This differs from the description stated on the decision notice, which includes the words 'retention of' preceding this description. However, retention is not an act of development. I've seen no evidence that amended wording was formally agreed between both parties and on that basis, I have used the appellant's wording.
4. On my site visit, I saw that the works on site are largely complete. I have therefore determined the appeal on the basis that retrospective permission is sought for extensions to the appeal property. For the avoidance of doubt, my determination of the appeal is based on the drawings submitted and not on the works as constructed.
5. I assessed the proposal from within the appeal site and the immediate environs. I also assessed the proposal from the rear gardens of No's 9 and 13 Ardern Road at the prior written request of the Council.

Background and Main Issues

6. In May 2022, planning permission was approved for the erection of a front extension, single storey side extension, part single, part two- storey rear extension and installation of rear dormer together with elevational alterations including

installation of a skylight following demolition of existing rear extension to form living accommodation. The planning permission was implemented but not in accordance with the approved plans. An application to regularise the development was refused by the Council in February 2025 and is now the subject of this appeal.

7. Both parties agree that the changes between the development approved under 133202/FH/2022 and the appeal scheme can be summarised as follows: the increased rearward projection of the first floor rear extension; flat roof, rather than a hipped roof, on the first floor rear extension; different fenestration and material finish on the rear roof dormer window; additional fenestration in the side extension; omission of the boundary fence; various alterations to the fenestration throughout; change to the appearance of the principal elevation of the two storey front extension by reason of the brickwork.
8. The main issues are the effect of the development on the:
 - character and appearance of the host building and the area; and
 - the living conditions of neighbouring occupiers at No.s 9 and 13 Ardern Road with particular regard to privacy, daylight and outlook.

Reasons

Character and appearance

9. The appeal property is situated on the north side of Ardern Road and comprises a two- storey house, similar in scale to neighbouring properties to the east and west. The land falls away to the east, such that the adjacent property, which has been extensively extended, is positioned at a significantly lower level. The appeal property is set well back from the road, with a private drive and front garden in the foreground, thereby reflecting the established layout in the street.
10. Located in a predominantly residential area, the immediate vicinity comprises well-maintained semi-detached dwellings, which are orientated with eaves to the street. There is a mixed material palette of brick and render and a varied architectural character, though projecting bay windows are a prevalent feature. The presence of street trees along Ardern Road augment the greenery and soft landscaping of the front gardens.
11. The development results in a bulky and visually dominant structure when viewed within the street scene and from neighbouring properties. The combination of the large extensions to the side and rear are out of scale with the host dwelling and envelop the original building on two sides, hindering legibility of the form and massing of the host dwelling. The development is conspicuous by reason of its uncharacteristic size, particularly its depth and its massing and form at roof level. The cumulative effect of the extensions results in a substantial mass, which is bulky in design.
12. The loss of spaciousness on this plot results in an incongruous form of development in its spatial context. The development fails to assimilate with the established grain. It fails to respect the existing spaces between buildings, creating disharmony in the street scene.
13. The development in its totality fails to respect the scale, massing and spacing of the host dwelling and similar properties in the vicinity. The bulk, massing and

positioning of the extensions appear overly dominant and incongruous, disrupting the rhythm in the street and creating disharmony.

14. Although located at the rear of the dwelling, the scale and mass of the proposed first-floor extension is significantly greater than the approved scheme. The rear first floor projection depth exceeds the 3.65 metres maximum rearward projection that is stated in Saved Policy DC1.3 of the Unitary Development Plan (1995) (UDP). The flat roof is contrary to UDP Saved Policy DC1.3(b), which states that the Council will not normally approve 2-storey extensions with a flat roof, particularly those which would be visible from the public highway. The flat roof is a departure from the prevailing roofscape character of the street scene and as such its incongruity has a greater visible presence.
15. As viewed from the front elevation, the brickwork is a poor match with the host dwelling. The lack of a set back in the building line to articulate the massing of the front extension, serves to accentuate the discord. To the rear, the dormer window has a grey tile, which fails to reflect the red roof tiles on the host dwelling. The contrasting material finish gives the dormer window undue prominence, to the detriment of the character and appearance of the host building and the area.
16. Whilst dormers are a feature in the roofscape of this established residential area, the dormer window, as built, appears incongruous by reason of the material palette and in combination with the other elements of the appeal scheme. Neither the mixed material palette characteristic in the area or the street furniture, diminish this visual harm. In any case, and notwithstanding the appellant's assertion that advice was sought regarding the closet brick match, the material palette would not negate the identified harm concerning the size, massing and design of the development.
17. The location of the appeal property, in proximity to the junction of Ardern Road and Boardman Road, and the topography, affords views of the side and rear elevations of the property and the bulk and massing of the built form can be fully appreciated. The development is unduly prominent by reason of the size and massing of the development, and its atypical form. The large extrusions to the side and rear, and the projections in the roofline do not form a satisfactory composition, rather the development visually dominates the host building, appearing as an incongruous and discordant structure when viewed within the street scene and from neighbouring properties. As such, the appeal property is unduly imposing in the street and constitutes a conspicuous departure from the established form and pattern of development in the locality. The appeal scheme, therefore, fails to reinforce and enhance local character and distinctiveness.
18. For these reasons, the development would be detrimental to the character and appearance of the host building and the area. Therefore, the appeal scheme is contrary to Policy SP1 of the Manchester Core Strategy (2012)(CS), which sets key spatial principles to guide the strategic development of the city. This policy states that there is an emphasis on making a positive contribution to neighbourhoods of choice including: creating well designed places that enhance or create character, positively contribute to the wellbeing of residents; and CS Policy EN1, which requires new development to be well-designed, respectful of local context, and contribute positively to sustainability and placemaking. It sets out design principles for new development and promotes high-quality, inclusive and sustainable design that strengthens the character and identity of the city. It

underpins the Council's commitment to design quality as a core element of its spatial strategy.

19. The development is contrary to Saved Policy DC1 of the UDP, which sets out how the Council will assess applications for extensions to residential properties. This policy sets out the main principles relating to: design and scale, residential amenity, impact on street scene, spacing between buildings and functionality. In essence, Policy DC1 promotes extensions that are respectful, proportional and respectful of neighbouring properties and the wider street scene.
20. The development also conflicts with the National Planning Policy Framework (the Framework), which says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.

Living conditions of neighbouring occupiers

21. By reason of the combined effect of the proximity to the shared boundaries, increased depth, overall scale and fenestration of the rearward and side projections, the development has a visually intrusive and over-enclosing effect on the amenity of the neighbouring properties. This results in a diminution of outlook, privacy and daylight for neighbouring occupiers.
22. With regards to light levels, neither party has provided technical evidence, therefore I am required to exercise planning judgement. The projection depth of the rear extension is substantial, extending 4.5metres at two storeys in height close to the shared boundary with no.9 Ardern Road. The height, depth and overall scale of the proposed rear extension to the appeal property is likely to diminish daylight to the rear facing windows, habitable rooms and garden of this adjoining neighbouring property. It is acknowledged that due to the orientation of these semi-detached properties, the shadow cast by the rear extension is likely to be less severe, being on the north facing elevation.
23. The proximity of the side extension to the shared boundary results in a harmful impact on the living conditions of the adjacent occupiers at no.13 Ardern Road. The effect of the very close proximity of the side extension, just 600mm from the shared boundary, is accentuated by the significant change in ground levels, with No.13 Ardern Road being significantly lower than the appeal property. The overall height, depth and scale of the extension results in a visually dominant and overbearing built form as seen from this neighbouring property. This results in a diminution of outlook from rear-facing rooms and the rear external amenity space to the detriment of the living conditions of neighbouring occupiers at no.13 Ardern Road.
24. The side extension has multiple openings in the side elevation, positioned in very close proximity to the shared boundary with no.13 Ardern Road. The fenestration does little to help reduce the bulk and massing of the side extension, as asserted by appellant. Rather, these openings and the absence of adequate separation between the appeal property and no. 13 Ardern Road, results in the loss of privacy. The plans indicate that that these openings are obscure glazed. A planning condition could require these windows to be fixed and obscure glazed and retained as such in perpetuity. Whilst such a condition would prevent intrusive overlooking, it would fail to mitigate the perception of overlooking and intrusion, resulting in a loss of privacy.

25. The appellant's willingness to erect a fence along the shared boundary with no.13 Ardern Road is noted. This would address safety concerns arising from the significant change in ground levels and would help mitigate, in part, privacy concerns.
26. For these reasons, the development would result in unacceptable harm to the living conditions of neighbouring occupiers arising from loss of privacy, daylight and outlook. As such, it is contrary to the following aforementioned policies: CS Policies SP1 and DM1 and Saved Policy DC1 of the UDP.
27. Furthermore, the development conflicts with the guidance on achieving well-designed places contained in chapter 12 of the Framework, which seeks to ensure development is visually attractive, in keeping with its surroundings and maintains a strong sense of place, whilst not discouraging appropriate innovation. Paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.
28. The Council's reasons for refusal also refer to Policy JP-S1 of Places for Everyone (2022- 2039) which is a long-term plan of nine Greater Manchester districts and forms part of the statutory development plan. Policy JP-S1 relates to sustainable development. This is a strategic document and as such, Policy JP-S1 is of less direct relevance to this proposal.

Other considerations- Fallback Position

29. The fallback position of development permissible under permitted development rights has not yet been confirmed by the Council through the granting of a Certificate of Lawful Development. However, this appeal is in retrospect related to existing development. It demonstrates the determination of the appellant to extend the property and increase the level of accommodation to the extent permissible under permitted development rights. It is therefore, in effect, a fallback position. The prospect of its implementation is more than merely theoretical and therefore it is a material consideration. However, it is unclear whether the permitted development fallback alone would provide the desired level of accommodation.
30. I consider that the harmful effect of the appeal scheme on the character and appearance of the host building and area, and on the living conditions of neighbouring occupiers, would be substantially greater than the effect of both the permitted development and previously approved fallback positions. For these reasons, I attribute only moderate weight to these fallback positions, which would not be sufficient to overcome the harm I identified.

Public Sector Equality Duty

31. I have had due regard to the Human Rights Act 1998 (HRA), and to the Public Sector Equality Duty (PSED) under Section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, advance equality of opportunity and access, and foster good relations between persons who share a protected characteristic and those who do not share it. Religion is a relevant protected characteristic to which the PSED applies.
32. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key. I

recognise that the development, as built, delivers benefits related to persons with the protected characteristic of religion. The additional bedroom and living accommodation have been designed to meet the appellant's personal circumstances and the needs of a growing family, and to meet the specific requirements of the appellants religion and religious laws and practices. The negative impacts of dismissing the appeal on the appellant arise since the requirements of religious laws and practices in terms of living conditions may not be met. I attribute moderate weight to the benefits of the development in this regard.

33. However, based on the totality of the evidence before me, including the PSED considerations, I have found that the harm I have identified outweighs the benefits of the development, which is contrary to the development plan. As such, I am satisfied that the interference of rights in this instance would accord with the law and is necessary and proportionate in pursuance of the legitimate and well-established planning policy aims to protect the character and appearance of the host building and the area, and protection of the living conditions or neighbouring occupiers.

Other Matters

34. Nearby alterations and extensions in the vicinity are noted, but these do not justify the harmful development at the appeal property. Rather, such examples demonstrate the necessity to raise design aspirations and promote good contextual design, which respects and enhances local character and distinctiveness.
35. The appellant refers to other appeal decisions related to the use of materials, to which I have had regard. In appeal reference APP/A0665/D/21/3287691, the materials did not exactly match the host dwelling. The Inspector determined that the resultant change in appearance did not automatically equate to harm and the impact on the overall appearance was lessened by the lack of prominence due to the set back position and vegetation on the front boundary. However, in the current appeal, the extension is flush on the front elevation. By reason of the lack of a set back to the front elevation, the limited and low-lying vegetation to the frontage and the topography, the brickwork and the grey tile of the dormer are prominent and detrimental to visual amenity, and the character and appearance of the area.
36. In appeal reference APP/A0665/D/22/3304853, the Inspector allowed cladding due to the property's lack of prominence. The current appeal is prominent by reason of the topography and its position in the street being close to the junction of Ardern Road and Boardman Road, which affords clear views of the appeal property.
37. In appeal reference APP/R5510/D/23/3318410, the Inspector found that dwellings that differ in appearance due to materials used can positively contribute to the diversity of an area and add visual interest to the street scene. In the current appeal, the materials do not match or assimilate well with the host dwelling and fail to positively contribute to the street scene by reason of the incongruity of the palette and application of materials which are to the detriment of the character and appearance of the host dwelling.
38. Therefore, I attribute only limited weight to comparison with these previous appeal decisions as they are not directly comparable. Nonetheless, I have considered the

appeal scheme on the particular circumstances at this site and on the merits of this case.

39. Concerns raised regarding the stability of the shared boundary wall are beyond the remit of this appeal decision.

Planning Balance

40. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.

Conclusion

41. I have found that the benefits to persons with a protected characteristic of religion would not outweigh the harm from the development to the character and appearance of the host building and the area, or to the living conditions of neighbouring occupiers at No's 9 and 13 Ardern Road, with particular regard to privacy, daylight and outlook.
42. As such, the development is contrary to the development plan when read as a whole. There are no material considerations, including the Framework and the PSED to indicate that a decision should be taken other than in accordance with that plan.
43. For the reasons given above, the appeal is dismissed.

N Kempton

INSPECTOR