

Grounds of Appeal Statement

Retrospective application for the retention of a two-storey rear extension

14 Holmside Gardens, Manchester, M19 1WR

December 2021

Ref: 2190

Rev: C

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I. INTRODUCTION

- I.1 Plande has been appointed to submit a planning appeal against the refusal of the recent application, 131438/FH/2021, by Manchester City Council.
- I.2 This document provides the grounds of appeal against the decision refusing planning permission. The application was determined on the 12th October 2021 on the basis that:

The development, by reason of its proximity to the shared boundary, together with the scale, bulk and massing of the extension, is considered to have an overbearing impact upon the occupiers of the adjoining property No's 16 Holmside Gardens and creates an intrusive feature as viewed from surrounding homes and gardens, to the detriment of residential amenity. The proposal is therefore contrary to policies SPI and DMI of the Manchester's Core Strategy Development Plan Document and saved Unitary Development Plan policy DC1 and the guidance within the National Planning Policy Framework.

- I.3 As set out within this Statement of Case, the Appellant contends the reasons for refusal and that the appeal scheme does not conflict with the Manchester City Council's policies.
- I.4 It is considered that the proposals are in keeping with the building and the wider area in which it is cited. The proposal has been designed to a high standard and sympathetic manner, which considers the host building, its adjacent neighbouring property and the surrounding homes and gardens.
- I.5 This Statement of Case has been prepared following a review of policy and guidance in the context of the contested scheme and reason for refusal. The Statement of Case is set out in the following order:
- Section 2 Outlines the site and its context within the surrounding area;
 - Section 3 Describes the proposals;
 - Section 4 Sets out the relevant planning policy framework;
 - Section 5 Assesses the Appellant's case; and
 - Section 6 Summarises the Appellant's case.

2. SITE & SURROUNDINGS

- 2.1 The Appellant's site relates to a two-storey semi-detached property located at the end of a cul-de-sac featuring similar properties in a wider established and predominantly residential area. The site comprises parking and gardens to the front with larger than average private amenity space to the rear, accessed from the side of the house.
- 2.2 The property is a traditional brick and pitched roof property, with a two storey rear extension replacing an earlier single storey conservatory. The adjoining neighbouring property features a single storey rear extension which extends to the same line as the two storey rear extension of the Appellant.

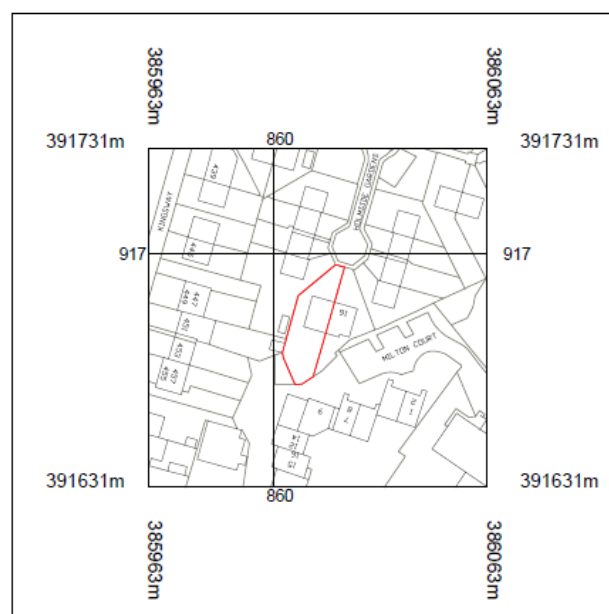


Figure 1: Location Plan

3. THE PROPOSAL

- 3.1 The proposal seeks retrospective planning permission for the retention of a two-storey rear extension.
- 3.2 The extension has been designed to be traditional in appearance, with the external details matching the host and neighbouring properties, including the facing and roofing materials and hipped pitched roof details.
- 3.3 The extension was undertaken by the previous owners of the property and not by the appellants. It is understood that the extension was constructed on the mistaken assumption that it fell under permitted development regulations. As will be demonstrated below, the majority of the extension would comply with such regulations.

4. PLANNING POLICY FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan for an area, unless any material considerations indicate otherwise. The National Planning Policy Framework (NPPF) (2021) should be taken into account as a material consideration in planning decisions.
- 4.2 The NPPF sets out the Government's planning policies for England and how they should be applied. Paragraph 10 confirms that at the heart of the NPPF is a presumption in favour of sustainable development and should be pursued in a positive way by Local Authorities.
- 4.3 At Paragraph 11, the revised NPPF maintains the presumption in favour of sustainable development which is defined in Paragraph 8 as incorporating the same economic, social and environmental elements. The document recognises the overwhelming need to accommodate and accelerate housing development and make more effective use of land.
- 4.4 Paragraph 125c) states that "local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."
- 4.5 Paragraph 134 states that Local Planning Authorities should not refuse planning permission for buildings because of concerns about incompatibility with existing townscape, if those concerns have been mitigated by good design.
- 4.6 The NPPF states that with regards to decision taking, that local planning authorities should approach decision taking in a positive and creative way, using the full range of planning tools available to them and should continue to look for solutions rather than problems. Paragraph 38 outlines that decision takers at every level should seek to approve applications for sustainable development where possible.
- 4.7 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act, the City of Westminster's Development Plan comprises:
 - Manchester City Council's Core Strategy Development Plan Document
 - saved policies from the Unitary Development Plan
- 4.8 In refusing to grant permission the Manchester City Council allege there to be conflict with the following planning policies:

Core Strategy Development Plan Document

Policy SPI – Spatial Principles: sets out the key spatial properties guiding strategic development until 2027 and requires that development should make a positive contribution to neighbourhoods of choice including creating well designed places that enhance or create character and protect and enhance the built and natural environment.

DMI – Development Management: requiring development to have regard to specific issues and accord with supplementary planning documents.

Unitary Development Plan

DC I – Residential Extensions: sections DC I.1 – I.6 sets out the requirements for applications relating to house extensions.

5. THE APPELLANT'S CASE

- 5.1 This section sets out the Appellant's case against Manchester City Council's single reason for refusal. The appeal is made on the basis that the proposed development will not have an overbearing impact on the occupiers of 16 Holmside Gardens and will not create an intrusive feature as viewed from surrounding homes or gardens.
- 5.2 Consideration is given specifically to the policies cited within the decision notice and the National Planning Policy Framework.
- 5.3 Manchester City Council's reason for refusal, as cited in the Introduction is concerned with the location, scale, form, materiality and detailed design.

POLICY COMPLIANCE

- 5.4 Policy SPI provides the key spatial principles and as such is not prescriptive of the particulars of developments with the most relevant section requiring that all developments should make a "positive contribution to neighbourhoods of choice". It is suggested that the proposed development, having received no objections from neighbours or residents within the area, creates a well-designed place reflecting the existing character which makes a positive contribution to the health, safety and wellbeing of residents as well as protecting and enhancing the built and natural environment.
- 5.5 Development Management Policy I (DM I) relates to all developments within the Council area and provides a general overview of the development principles, with further details provided in supplementary planning documents.
- 5.6 It is suggested that the Policy only requires that development "... should have regard to" rather than must comply with or meet certain requirements. It is suggested therefore that this policy does not inherently require developments to meet any such criteria.
- 5.7 Notwithstanding the above, it is suggested the two-storey rear extension has no material negative impact or effect on accessibility, community safety, crime prevention, design for health, external amenity space, refuse storage or collection, vehicular access or car parking, biodiversity, landscape, archaeological or built heritage, green infrastructure, flood risk or drainage, existing hazardous installations and is not for a new residential or commercial development. It is suggested that the proposals provide adequate internal accommodation and do not affect amenity in terms of privacy, noise, vibration, air quality, odours, litter, vermin, birds, road safety or traffic generation.
- 5.8 It is furthermore suggested that the proposals represent appropriate siting, with the extension located entirely to the rear of the property, creating a coherent and appropriate layout, providing additional living and bedroom accommodation. The scale and massing are generally subservient and appropriate for the host dwelling using similar forms, materials and details to the host dwelling, having regard to the character of the surrounding area, which generally comprises two storey dwellings with facing brick and pitched roofs.
- 5.9 The Council contend that the proposals affect residential amenity, and it is suggested that Policy DC I provides more details on the Council requirements.
- 5.10 The Development Control Policy I (DC I) relates generally to residential extensions. The policy is not as detailed as other neighbouring policies with the Council stating that it "... is not generally in favour of laying down firm rules about home extensions; the policy therefore allows each case to be looked at on its individual merits, having regard to a range of criteria."
- 5.11 Notwithstanding the above, it is suggested that the proposals comply with DC I.1 – I.6 as set out below.
- 5.12 Taking each section of DC I.1 in turn it is suggested:
 - 5.12.1 a. it is suggested that the general character of the property is not materially affected, particularly when comparing the materials, roof pitch, details and with regards to what would be allowable under permitted development regulations.

- 5.12.2 b. as set out in the appeal statement as a whole the effect upon the amenity of neighbouring occupiers is not detrimental, particularly considering the fall-back positions and how other LPAs would consider such extensions as well as the relationship between the neighbouring first floor window and the position of the extension.
- 5.12.3 c. the proposals represent a sustainable way for the occupiers to adapt the house in an appropriate way, generally in accordance with permitted development regulations (albeit apart from the distance to the side boundary) to meet changing household needs including the changing work practices involving householders working from home.
- 5.12.4 d. it is suggested that the proposals do not affect and are not visible or dominant in the street-scene.
- 5.12.5 e. the proposals do not represent a loss of any on-site carparking.
- 5.13 In relation to Policy DCI.2:
 - 5.13.1 a. It is suggested, that as the % increase is around 47% on the original dwelling, combined with the dimensions and general details complying with permitted development regulations (see sections below) the extension is not excessively large or bulky.
 - 5.13.2 b. The accompanying report highlights that the extension does not create an undue loss of sunlight, daylight or privacy.
 - 5.13.3 c. it is suggested that the extension is not out of character with the style of development in the area or the surrounding street scene as the design, use of materials and constructional details reflect the host dwelling, which generally reflects the surrounding area.
 - 5.13.4 d. the siting of the extension means that there is no loss of off-street car-parking.
- 5.14 In relation to Policy DCI.3:
 - 5.14.1 a. the rearward extensions is not greater than 3.65m (12 ft) in length
 - 5.14.2 b. the 2-storey extensions does not have a flat roof
 - 5.14.3 c. the 2-storey extensions is not to a terraced property.
 - 5.14.4 d. the proposals are not for flat roofed extensions to a bungalow.
 - 5.14.5 e. it is suggested that section e is not relevant as there is no current guidelines on privacy distances with adequate distances to the rear boundary, however it is suggested that the distances are such that there is no potential material harm to neighbouring properties by virtue of the proximity to the boundaries (other than with regards to the 16 Holmside Gardens, which are dealt with separately with this statement).
- 5.15 It is suggested that Policy DCI.4 is not applicable as the extension is not a two-storey side extension.
- 5.16 It is also suggested that Policy DCI.5 is not relevant as the extension does not relate to particular adaptations in relation to any disability.
- 5.17 Furthermore, Policy DCI.6 just confirms the policies apply to the application site.
- 5.18 It is therefore suggested that the proposals meet the requirements outlined and defined within the statutory development plan.

WIDER POLICY COMPARISONS

- 5.19 While it is appreciated that Manchester City Council of “not laying down firm rules”, the lack of guidance or examples makes it difficult for applicants to understand what would normally be acceptable or unacceptable to the Council and creates an opaque system with the potential for a lack of transparency and consistency of decisions. Indeed, the NPPF suggests that “plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable.” In addition, the NPPF requires that “... all local planning authorities should prepare design guides.”
- 5.20 Other LPA’s produce detailed house extension guidance, which while it is suggested is not directly relevant, would help to provide some further justification that the proposals would not harm the amenity of the neighbouring properties.

PERMITTED DEVELOPMENT COMPARISONS

- 5.21 It is acknowledged that the extension does not represent permitted development, however it is suggested it is beneficial to consider what could be considered permitted development both in terms of the overall view of amenity considered acceptable as well as the works required to make such an extension acceptable compared to the limited benefits and significant costs associated.

- 5.22 The Permitted Development Rights for householders (Technical Guidance) published in September 2019 sets out the explanation of the rules on permitted development for householders to clarify what can be undertaken to properties without the need to apply for planning permission.
- 5.23 Class A provides rights for the enlargement, improvement or other alteration of a house. It is suggested that the extension generally accords with the following parts:
- 5.23.1 A.1.a – the use of the dwellinghouse was not granted by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (change of use)
 - 5.23.2 A.1.b – as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)
 - 5.23.3 A.1.c - the height of the part of the dwellinghouse enlarged, improved or altered does not exceed the height of the highest part of the roof of the existing dwellinghouse
 - 5.23.4 A.1.d - the height of the eaves of the part of the dwellinghouse enlarged, improved or altered does not exceed the height of the eaves of the existing dwellinghouse
 - 5.23.5 A.1.e - the enlarged part of the dwellinghouse does not extend beyond a wall which forms the principal elevation of the original dwellinghouse; or fronts a highway and forms a side elevation of the original dwellinghouse
 - 5.23.6 A.1.f – relates only to single storey extensions and therefore is not relevant
 - 5.23.7 A.1.g - relates only to single storey extensions and therefore is not relevant
 - 5.23.8 A.1.g - the enlarged part of the dwellinghouse has more than a single storey but does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres and is not within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse.
 - 5.23.9 A.3.a – the materials used in any exterior work are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
 - 5.23.10 A.3.b – there are no new upper floor windows on the side elevation
 - 5.23.11 A.3.c - the roof pitch of the enlarged part is the same as the roof pitch of the original dwellinghouse
- 5.24 As such it is suggested that the overall proposals are in keeping with the property and generally accords with how the Government expect and allow similar houses across the country and in a variety of settings to be extended. As such it is suggested that the Government would not generally consider that the size, scale, massing, heights and footprint of the extension creates a dominant feature and is not out of character with the host dwelling
- 5.25 It is appreciated though that there is one aspect of Class A that means the extension does not fall within permitted development. Class A.1.i requires where the enlarged part of the dwellinghouse is within 2 metres of the boundary of the curtilage of the dwellinghouse, the height of the eaves of the enlarged part would not exceed 3 metres. The extension is within 2m of the boundary and the eaves height is over 5m.
- 5.26 It is suggested that the reduction of the extension to comply with permitted development regulations would have negligible benefits in relation to how the extension is viewed from surrounding homes and gardens and therefore it is suggested would have a negligible impact on residential amenity accordingly.

IMPACT ON 16 HOLMSIDE GARDENS

- 5.27 It is understood that no objections, including from no. 16 Holmside Gardens, were received as part of the retrospective planning application.
- 5.28 While it is appreciated that a lack of objection does not confirm the occupiers are happy with the proposals, it is understood, from discussions between the applicant and neighbours, that none of the immediate neighbours raised or had concerns about the proposals.
- 5.29 It is acknowledged that the policies seek to protect the amenities of future occupiers as well as current occupiers but suggest that this is more relevant where planning permission is granted allowing up to three years for implementation where neighbouring houses may be sold prior to works completing. In this case any future occupiers would be able to view the extension and therefore would be able to make an informed choice as to whether this was acceptable to them.

- 5.30 It is suggested that as there is an existing single storey extension to no. 16 Holmside Gardens, that the impact is due to the first-floor extension on the first-floor window of the rear elevation. It is suggested that in using the relevant bedroom, it is unlikely that occupiers would spend a large amount of time at the window and would more likely benefit from the views and daylight generally from within the room. As such it is suggested that the general view from the first-floor window of no. 16 would be such that the extension would not dominate the field of view and therefore would not lead to a material loss of residential amenity. In addition, it is suggested that the size, position, orientation and design of the extension, in comparison to the existing single storey rear extension of no. 16 and size of the gardens is such that the extension does not have an overbearing impact on no. 16 Holmside Gardens.
- 5.31 The accompanying daylight and sunlight assessment confirms that the proposals would not overshadow or provide a loss of light in the late afternoon or early evening. The report concludes *"In summary, the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties."* It is therefore suggested that the proposals would not lead to a harmful impact upon the living conditions for the occupiers of 16 Holmside Gardens.

FALL BACK SCHEME

- 5.32 While it is appreciated the extension was considered in its entirety, as stated above, a similar extension could have been created using permitted development regulations. In addition, it is understood that the LPA would favourably consider amendments to the scheme to make the extension acceptable to them, without the need to remove the extension in its entirety.
- 5.33 From a permitted development regulations perspective, it is understood that the only change required to make the scheme compliant would be to ensure that there is a 2m gap to the side boundary. This would require the removal of c. 1.65m of the existing extension. This would retain the majority of the existing extension while retaining the majority of first floor extension. This could introduce a gable to the rear elevation rather than the current hipped design.
- 5.34 A new application has been submitted to Manchester City Council, under reference 132390/FH/2021. The application seeks a compromise on the permitted development fall back, effectively removing part of the first floor but retaining the extent of the ground floor extension in response to the Council's suggested amendments to try and make the scheme acceptable to the LPA. The application is due for determination by the end of January 2022.
- 5.35 As above, this amendment (to either the later planning proposals or permitted developments schemes) would cause significant cost to the applicant, who was not responsible for the construction of the extension originally, without providing a material benefit generally to surrounding residential or visual amenity.
- 5.36 While it could be argued that this change would provide a benefit to the occupier of the adjoining property, it is understood that the neighbour supports the existing extension and in any case as there will still be a two-storey extension close to the shared boundary the occupier of the adjoining property would not significantly benefit from this change.
- 5.37 In addition, it is suggested that, while it could be argued there may be marginal benefits for requiring the applicant to undertake significant intrusive works, such works could not be seen as sustainable development as there would be significant wastage of materials and CO2 emissions from the works, with the existing materials likely requiring going to landfill. Any works to remove a small slither of two storey extension is unlikely to be simple or straightforward and it is assumed that additional materials would be required to make good any mess and disruption. Policy SP 1, as well as other local and national policies, requires that all developments minimise emissions and ensure efficient use of natural resources. Further disruption to the neighbouring properties, by virtue of noise, dust and general activities would also be experienced, albeit for a limited time. As such whilst it could be seen that requiring the removal or partial removal of the extension could have minimal or negligible benefits to residential amenity and the occupier of the adjoining property it is suggested that the monetary and environmental costs would be significant. In addition, it is likely that the applicant and their young family would need to move out of the property for a significant period of time causing further disruption, stress and cost.
- 5.38 With regard to the rights conferred by the Human Rights Act 1998, Article 8 safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. It is appreciated that both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. However It is suggested that the interference of the

appellants rights, including any requirement for substantial intrusive works to be carried out to the family home, the loss of living area and the disruption to family life resulting from the removal or partial removal of the extension, would not be proportionate to the level of benefit to the public interest and local area for the reasons stated elsewhere in this grounds of appeal statement.

IMPACT ON RESIDENTIAL AMENITY

- 5.39 The location of the house and position of the rear extension is such that only limited views of the development are possible.
- 5.40 It is suggested that due to the configuration of the properties on Holmside Gardens, no other property would have a direct view from a habitable room.
- 5.41 The properties 447 – 449 Kingsway back onto the application site, however there are two separate private amenity areas separating those properties from the application site. The rear elevation of these properties is around 30m from the side elevation of the two-storey extension and the gardens have substantial mature screening reducing any views into or out of the site. As above, had the two-storey extension been constructed under permitted development regulations, the view from or impact on these properties and gardens would not be materially different than the current configuration.
- 5.42 The neighbouring properties 445 and 451 Kingsway etc have a more oblique view of the extension and the properties to the north of 447 have a more limited view and would experience less impact by virtue of the extension. The properties to the south of 449 Kingsway have a more direct view however are even further away from the application site and as such it is suggested the residential and visual amenity is less affected accordingly.
- 5.43 Whilst there are limited opportunities to view the extension from Kingsway itself, these are fleeting glances between properties and are likely to be experienced only temporarily by passing pedestrians and cars and would be set against a backdrop of general two storey development, including the 4 terraced properties on Holmside to the north of the application site.
- 5.44 It is suggested there are no residential properties within close proximity to the east of the application site and due to the configuration of Milton Court and public views, from Burnage Lane are more limited and also set against an overall backdrop of two storey development. As above, had the extension been constructed as a permitted development scheme it is suggested that the impact on residential or visual amenity would not be materially different.
- 5.45 The properties in Milton Court, to the south of the application site have a shared parking area located to the east of the site with a stepped form of two storey residential properties located to the rear of the site. The rear of the extension is approximately 20.5m from the closest part of those properties however that elevation features only 1 window at first floor level. No. 9 Milton Court is located directly behind no. 16 Holmside Garden and has range of windows overlooking the site; however, these windows would only have a limited view of the extension by virtue of the distance, angle of view as well as the boundary treatment separating the sites. It is suggested that the garden areas for these properties is located on the other side of the block. As above, should the extension have been constructed under permitted development regulations it is suggested that there would be minimal differences in terms of the impact on residential or visual amenity on the properties on Milton Court.
- 5.46 As such it is suggested that the extension, particularly when considered in comparison to the fall-back position does not cause material harm to residential or visual amenity and accords to the principles for residential extensions as set out in the relevant policies.

PRECEDENTS

- 5.47 It is suggested that the following two images show the LPA have previously granted extensions with full height roofs which are more visible and dominant in the street-scene, are not subservient to the main dwelling.
- 5.48 No. 439 Kingsway Burnage Manchester M19 1NR received approval (104545/FH/2013/S2) for the “erection of a two-storey side extension to form additional living accommodation”. This extension effectively extrudes the existing dwelling with the new extension having the same roof height and details as the original dwelling, with no set back of the elevations or lowering of the ridge line.



- 5.49 A similar approval was granted for another property in close proximity, no 8 Brayside Road Burnage Manchester M19 1ST (under permission 077140/FH/2005/S2. “Erection of two storey side extension to form additional living accommodation”.



WIDER POLICY ASPIRATIONS

- 5.50 The site is located within an identified regeneration area. The Core Strategy states that "... these neighbourhoods demonstrate the highest levels of deprivation, crime and other socio-economic issues" and that the plan aims to "improve standard of living and reduce levels of deprivation". It is suggested that the proposals help to raise the standard of living for the occupiers and the area as a whole.

6. CONCLUSIONS

- 6.1 This statement of case seeks retrospective planning permission for a two-storey rear extension to 14 Holmside Gardens.
- 6.2 It is suggested that the proposals make efficient use of a site and provide acceptable living standards for neighbouring properties and the surrounding homes and gardens and therefore should be considered acceptable in the context of NPPF's flexible approach to policies or guidance relating to daylight and sunlight.
- 6.3 It is considered that the proposals are in keeping with the building and the wider area in which it is cited. The proposal has been designed to a high standard and sympathetic manner, which considers the host building, its adjacent neighbouring property.
- 6.4 It is suggested that the development is not considered to have an overbearing impact upon the occupiers of the adjoining property No's 16 Holmside Gardens and furthermore does not create an intrusive feature as viewed from surrounding homes and gardens, to the detriment of residential amenity.
- 6.5 On balance, the proposed development is considered to comply with the Development Plan and meet the objectives of the National Planning Policy Framework. The proposals are sensitive to the character of the existing local pattern of development.
- 6.6 Should the development not be considered fully in accordance with the policies, it is suggested the fall-back positions as well as the associated costs and sustainability issues mean that on balance the benefits to residential amenity by undertaking further works to the extension are outweighed by the significant economic and environmental costs as well as the disruption to the occupiers and neighbouring properties.
- 6.7 The inspector is respectfully requested to allow the appeal and grant planning permission.

7. APPENDIX

7.1 Daylight Report

7.2 Existing and Proposed Drawings in relation to 104545/FH/2013/S2

7.3 Existing and Proposed Drawings in relation to 132390/FH/2021



RIGHT OF LIGHT
CONSULTING
Chartered Surveyors

Daylight and Sunlight Report

(Neighbouring Properties)

16 December 2021

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Greater Manchester
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APPENDIX 1	WINDOW & GARDEN KEY
APPENDIX 2	DAYLIGHT AND SUNLIGHT RESULTS
APPENDIX 3	OVERSHADOWING TO GARDENS AND OPEN SPACES

1 EXECUTIVE SUMMARY

1.1 Overview

- 1.1.1 Right of Light Consulting has been commissioned by Jonathan Smith to undertake a daylight and sunlight study of the proposed development at 14 Holmside Gardens, Manchester, Greater Manchester M19 1WR.
- 1.1.2 The study is based on the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair 2011.
- 1.1.3 The aim of the study is to assess the impact of the development on the light receivable by the neighbouring property at 16 Holmside Gardens.
- 1.1.4 The window key in Appendix 1 identifies the windows analysed in this study. Appendix 2 gives the numerical results of the various daylight and sunlight tests.
- 1.1.5 All neighbouring windows pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.
- 1.1.6 In summary, the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.

2 INFORMATION SOURCES

2.1 Drawings

2.1.1 This report is based on the following drawings:

Nada Architects

(01)001	Existing GA Site Plan & Elevations	Rev PL0
(02)001	Existing & Proposed GA Floor Plans	Rev PL0
(03)001	Proposed GA Site Plan & Elevations	Rev PL0

Promap OS Plan

Site Plan	Rev -
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3 METHODOLOGY OF THE STUDY

3.1 Local Planning Policy

- 3.1.1 We understand that the Local Authority take the conventional approach of considering daylight and sunlight amenity with reference to the various numerical tests laid down in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' by P J Littlefair 2011. A new European standard BS EN 17037 'Daylight in Buildings' was published in May 2019. An update to the BRE guide to take into account the European standard is expected sometime in 2021. It is not yet clear, how and to what extent, the European recommendations will be adopted by the BRE and Local Authorities.
- 3.1.2 The standards set out in the BRE guide are intended to be used flexibly. The BRE guide states:
- 3.1.3 "The guide is intended for building designers and their clients, consultants and planning officials. The advice given here is not mandatory and the guide should not be seen as an instrument of planning policy; its aim is to help rather than constrain the designer. Although it gives numerical guidelines, these should be interpreted flexibly, since natural lighting is only one of many factors in site layout design."

3.2 National Planning Policy Framework

- 3.2.1 The BRE numerical guidelines should be considered in the context of the National Planning Policy Framework (NPPF), which stipulates that local planning authorities should take a flexible approach to daylight and sunlight to ensure the efficient use of land. The NPPF states:
- 3.2.2 "Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards)."

3.3 Daylight to Windows

- 3.3.1 Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky. This is diffuse daylight.
- 3.3.2 Diffuse daylight calculations should be undertaken to all rooms within domestic properties, where daylight is required, including living rooms, kitchens and bedrooms. The BRE guide states that windows to bathrooms, toilets, storerooms, circulation areas and garages need not be analysed. These room types are non-habitable and do not have a requirement for daylight.
- 3.3.3 The BRE guide states that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices. The BRE guide is not explicit in terms of which types of offices it regards as having a requirement for daylight. However, it is widely accepted amongst consultants and local authorities, that for planning purposes, offices (which are commercial in nature) do not have a requirement for daylight. The point is touched on in the 'Daylighting and Sunlighting' guidance note published by the Royal Institution of Chartered Surveyors (RICS), which gives guidance to surveyors on how to produce their reports:
- 3.3.4 "The report should establish the limits of the assessment. For example, existing commercial premises are rarely assessed for loss of amenity."
- 3.3.5 The BRE guide contains two tests which measure diffuse daylight:

Test 1 Vertical Sky Component

- 3.3.6 The Vertical Sky Component is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component is both less than 27% and less than 0.8 times its former value.
- 3.3.7 The BRE guide states that the total amount of skylight can be calculated by finding the Vertical Sky Component at the centre of each main window. The BRE guide does not define the term 'main window'. However, in our opinion, where a room has

multiple windows, the largest window is usually taken as the main window and the smaller window(s) as secondary. Although we generally follow the practice of testing all windows, including secondary windows, our interpretation of the BRE guide is that the Vertical Sky Component targets do not apply to secondary windows.

Test 2 Daylight Distribution

- 3.3.8 The distribution of daylight within a room can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.3.9 The BRE guide states that both the total amount of skylight (Vertical Sky Component) and its distribution within the building (Daylight Distribution) are important. The BRE guide states that where room layouts are known, the impact on the daylighting distribution can be found by plotting the 'no sky line' in each of the main rooms. Therefore, we are of the opinion that application of the test is not a requirement of the BRE guide where room layouts are not known. We don't endorse the practice of applying the test based on assumed room layouts, because the test is very sensitive to the size and layout of the room and the results are likely to be misleading. However, we can provide additional daylight distribution data upon request by the local authority, if neighbouring room layout information is confirmed.

3.4 Sunlight availability to Windows

- 3.4.1 The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight. The tests should also be applied to non-domestic buildings where there is a particular requirement for sunlight.
- 3.4.2 The test is intended to be applied to main windows which face within 90 degrees of due south. However, the BRE guide explains that if the main window faces within 90 degrees of due north, but a secondary window faces within 90 degrees of due south, sunlight to the secondary window should be checked. For completeness, we have

tested all windows which face within 90 degrees of due south. The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and
- receives less than 0.8 times its former sunlight hours during either period and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

3.5 Overshadowing to Gardens and Open Spaces

3.5.1 The availability of sunlight should be checked for all open spaces where sunlight is required. This would normally include:

- Gardens, usually the main back garden of a house
- Parks and playing fields
- Children's playgrounds
- Outdoor swimming pools and paddling pools
- Sitting out areas, such as those between non-domestic buildings and in public squares
- Focal points for views such as a group of monuments or fountains.

3.5.2 One way to consider overshadowing is by preparing shadow plots. However, the BRE guide states that it must be borne in mind that nearly all structures will create areas of new shadow, and some degree of transient overshadowing is to be expected. Therefore, shadow plots are of limited use as interpretation of the plots is subjective. Shadow plots have not been undertaken as part of this study.

3.5.3 The BRE guide also contains an objective overshadowing test which has been adopted for the purpose of this study. The guide recommends that at least 50% of the area of each amenity space listed above should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

4 RESULTS OF THE STUDY

4.1 Windows & Amenity Areas Considered

- 4.1.1 The aim of the study is to assess the impact of the development on the light receivable by the neighbouring property at 16 Holmside Gardens.
- 4.1.2 Appendix 1 provides a plan and photographs to indicate the positions of the windows and outdoor amenity areas analysed in this study. Appendix 2 lists the detailed numerical daylight and sunlight test results.

4.2 Daylight to Windows

Vertical Sky Component

All windows at 16 Holmside Gardens pass the Vertical Sky Component test.

Daylight Distribution

- 4.2.1 As the room layouts of the neighbouring properties are unknown, the daylight distribution test has not been undertaken.

4.3 Sunlight to Windows

- 4.3.1 All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows with a requirement for sunlight pass both the total annual sunlight hours test and the winter sunlight hours test. The proposed development therefore satisfies the BRE direct sunlight to windows requirements.

4.4 Overshadowing to Gardens and Open Spaces

- 4.4.1 All gardens and open spaces tested meet the BRE recommendations.

4.5 Conclusion

- 4.5.1 In summary, the numerical results in this study demonstrate that the proposed development will have a low impact on the light receivable by its neighbouring properties. In our opinion, the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties.

5 CLARIFICATIONS

5.1 General

- 5.1.1 The report provided is solely for the use of the client and no liability to anyone else is accepted.
- 5.1.2 The study is limited to assessing daylight, sunlight and overshadowing to neighbouring properties as set out in section 2.2, 3.2 and 3.3 of the BRE Guide.
- 5.1.3 The study is based on the information listed in section 2 of this report. The study has been undertaken without access to the proposed development site or neighbouring properties.
- 5.1.4 This study does not calculate the effects of trees and hedges on daylight, sunlight and overshadowing to gardens. The BRE guide states that it is usual to ignore the effect of existing trees.
- 5.1.5 The impact on solar panels is a material planning consideration. However, the BRE guide does not provide assessment criteria for this. The assessment of impact on any neighbouring solar panels is therefore beyond the scope of this report.
- 5.1.6 We have undertaken the study following the guidelines of the RICS publication "Surveying Safely". Where limited access or information is available, assumptions will have been made which may affect the conclusions reached in this report. For example, where neighbouring room uses are not known, we will either make an assumption regarding the use, or take the prudent approach of treating the use of the room as being used for domestic purposes. Therefore, the report may need to be updated if room uses are confirmed by the local authority or by the consultation responses.
- 5.1.7 This report is based upon and subject to the scope of work set out in Right of Light Consulting's quotation and standard terms and conditions.

APPENDICES

APPENDIX 1

WINDOW & GARDEN KEY



14 Holmside Gardens

16 Holmside Gardens

Proposed Extension

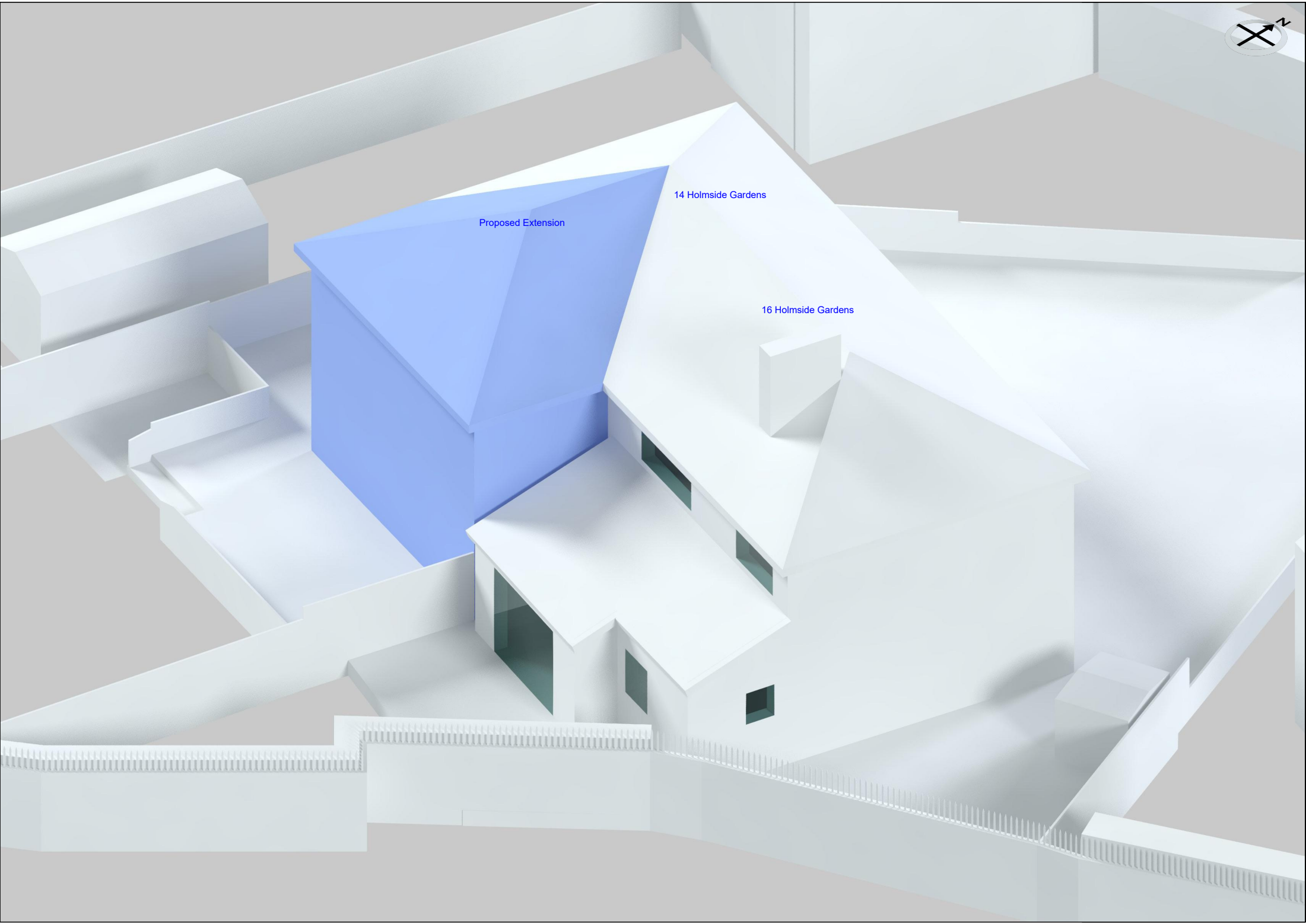
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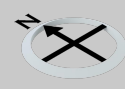


14 Holmside Gardens

16 Holmside Gardens

Proposed Extension

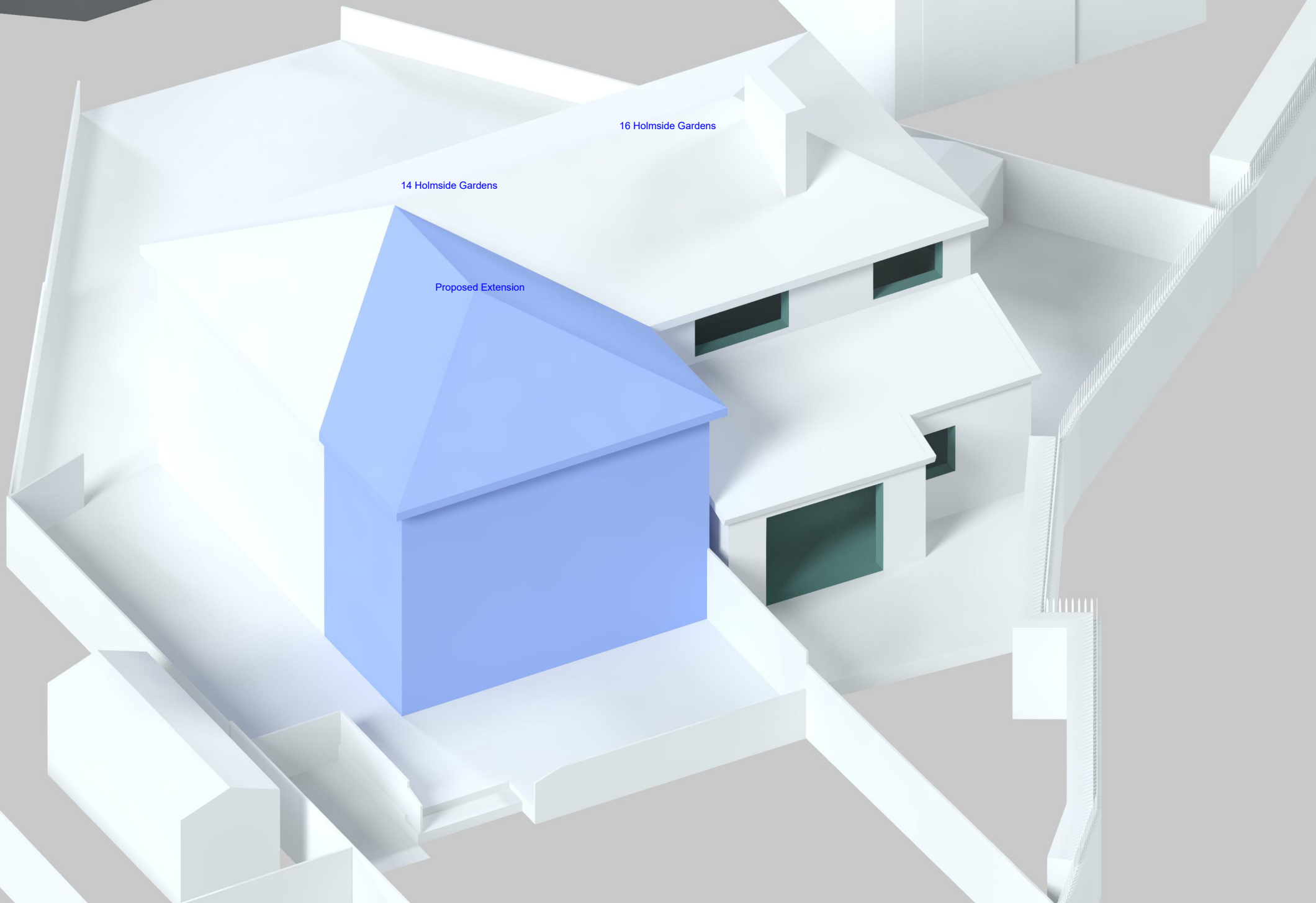




16 Holmside Gardens

14 Holmside Gardens

Proposed Extension





Proposed Extension

14 Holmside Gardens

16 Holmside Gardens

Milton Court



16 Holmside Gardens

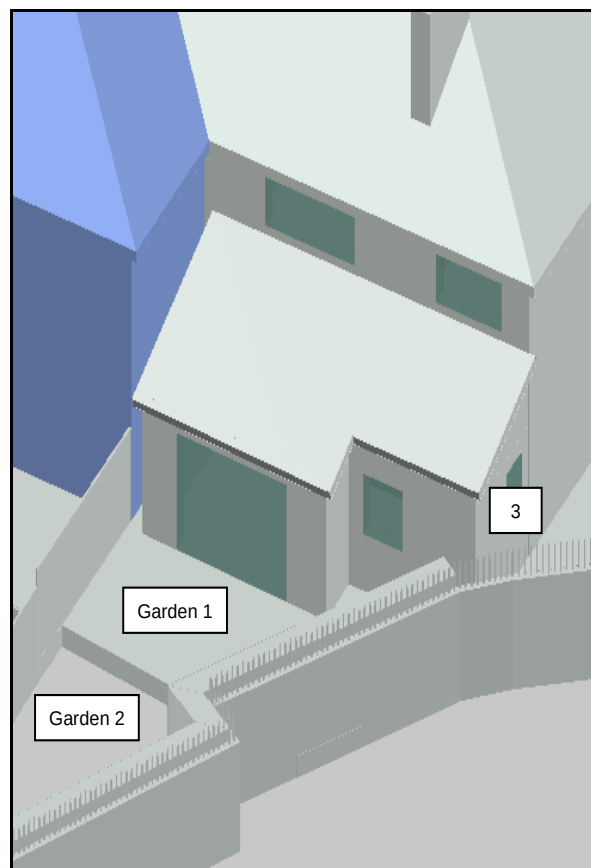
Proposed Extension

14 Holmside Gardens

Neighbouring Windows



16 Holmside Gardens



16 Holmside Gardens

APPENDIX 2

DAYLIGHT AND SUNLIGHT RESULTS

Appendix 2 - Vertical Sky Component
14 Holmside Gardens, Manchester, Greater Manchester M19 1WR

Reference	Room Use	Vertical Sky Component			
		Before	After	Loss	Ratio
<u>16 Holmside Gardens</u>					
<u>Ground Floor</u>					
Window 1	Domestic	34.9%	34.9%	0.0%	1.0
Window 2	Domestic	27.8%	27.8%	0.0%	1.0
Window 3	Domestic	35.8%	35.8%	0.0%	1.0
<u>First Floor</u>					
Window 4	Domestic	33.1%	31.0%	2.1%	0.94
Window 5	Domestic	32.9%	32.6%	0.3%	0.99

Appendix 2 - Sunlight to Windows
14 Holmside Gardens, Manchester, Greater Manchester M19 1WR

Reference	Room Use	Sunlight to Windows							
		Total Sunlight Hours				Winter Sunlight Hours			
		Before	After	Loss	Ratio	Before	After	Loss	Ratio
<u>16 Holmside Gardens</u>									
<u>Ground Floor</u>									
Window 1	Domestic	84%	84%	0%	1.0	28%	28%	0%	1.0
Window 2	Domestic	62%	62%	0%	1.0	25%	25%	0%	1.0
Window 3	Domestic	53%	53%	0%	1.0	18%	18%	0%	1.0
<u>First Floor</u>									
Window 4	Domestic	73%	69%	4%	0.95	29%	28%	1%	0.97
Window 5	Domestic	73%	73%	0%	1.0	29%	29%	0%	1.0

Appendix 2 - Overshadowing to Gardens and Open Spaces
14 Holmside Gardens, Manchester, Greater Manchester M19 1WR

Reference	Total Area	Area receiving at least two hours of sunlight on 21st March						
		Before		After		Loss		Ratio
<u>16 Holmside Gardens</u>								
<u>Ground Floor</u>								
Garden 1	16.73 m2	16.7 m2	100%	16.7 m2	100%	0.0 m2	0%	1.0
Garden 2	24.23 m2	14.2 m2	59%	14.2 m2	59%	0.0 m2	0%	1.0

APPENDIX 3

OVERSHADOWING TO GARDENS AND OPEN SPACES



14 Holmside Gardens

16 Holmside Gardens

Proposed Extension

G1

G2

Key

-  Receives under two hours sunlight on 21st March before and after the development.
-  Receives under two hours sunlight on 21st March before the development; but will receive at least two hours sunlight on 21st March after the development (light improved).
-  Receives at least two hours sunlight on 21st March before the development; but will receive under two hours sunlight after the development (light loss).
-  Receives at least two hours sunlight on 21st March before and after the development.
-  Neighbouring Gardens and Amenity Areas

Drawing Title: Appendix 3 - Overshadowing to Gardens and Open Spaces

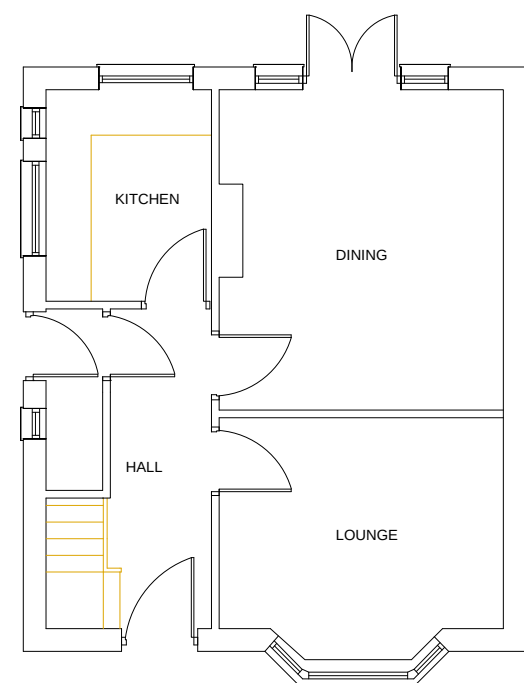


**RIGHT OF LIGHT
CONSULTING**
Chartered Surveyors

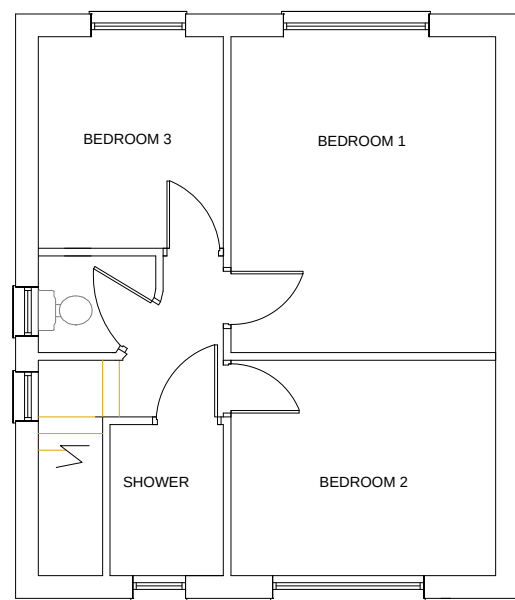
Right of Light Consulting

Burley House
15 - 17 High Street
Rayleigh
Essex
SS6 7EW
TEL 0800 197 4836
E.MAIL enquiries@right-of-light.co.uk
WEBSITE www.right-of-light.co.uk

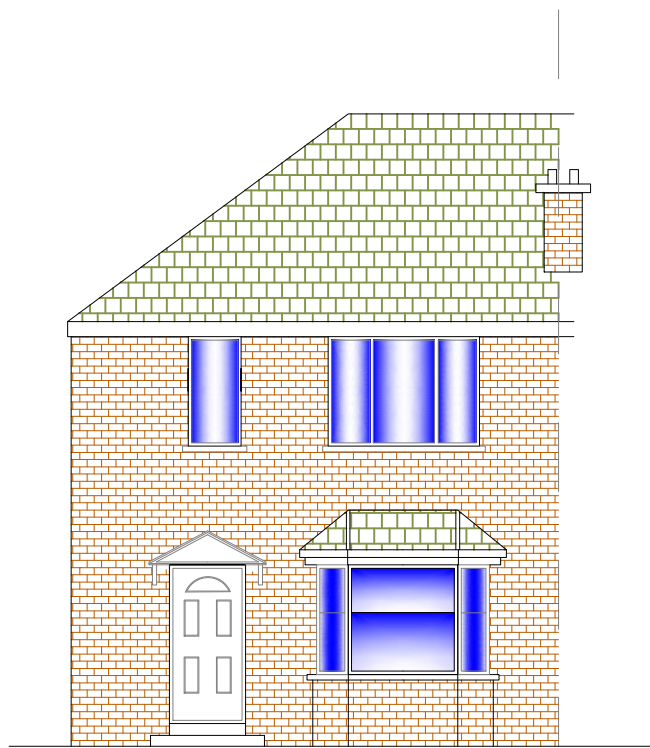
Milton Court



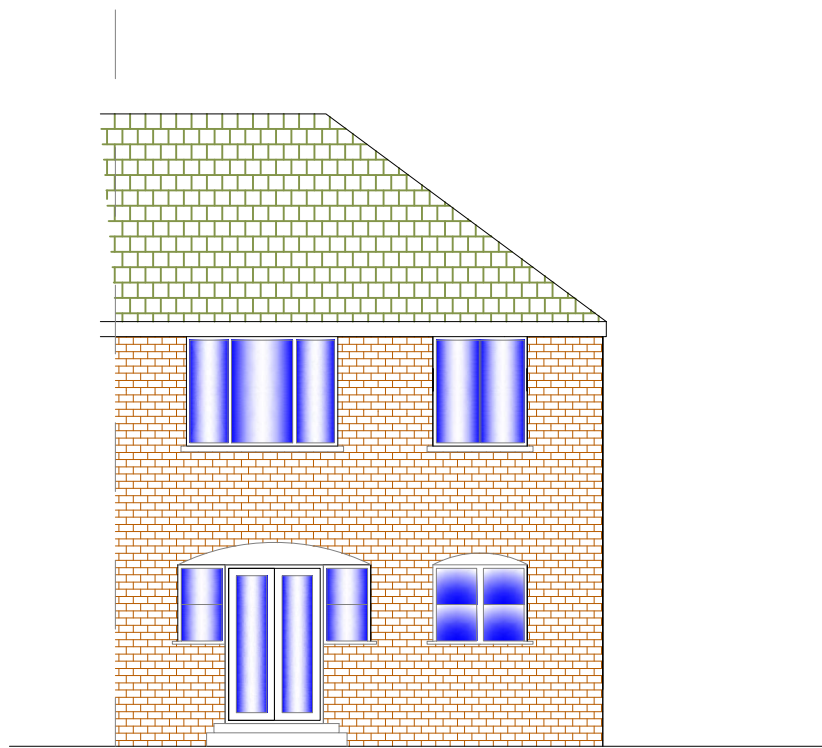
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GROUND FLOOR



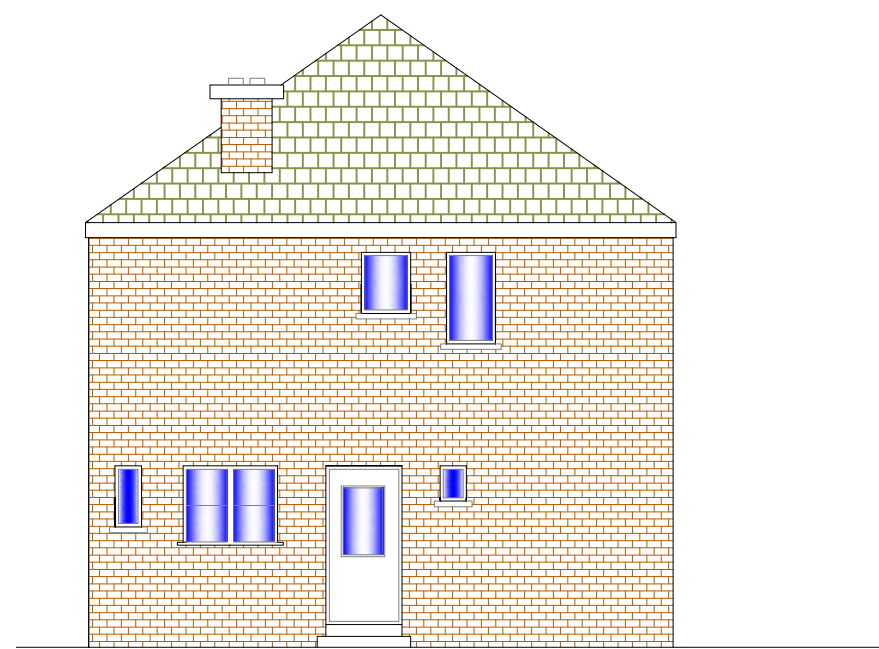
EXISTING
FIRST FLOOR



EXISTING FRONT
ELEVATION



EXISTING REAR
ELEVATION



EXISTING SIDE
ELEVATION

ALL DRAINAGE TO BE
CONNECTED TO EXISTING
FOUL/STORM SEWER
RESPECTIVELY

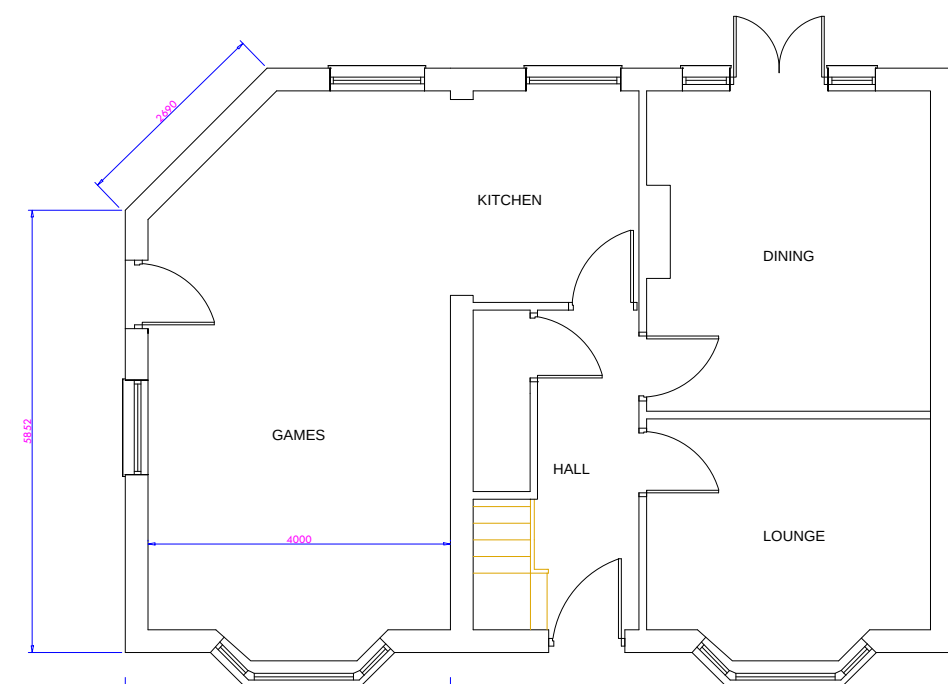
ALL FINISHES ARE TO MATCH
THAT OF THE EXISTING
DWELLING

ALL MEASUREMENTS TO BE
RE CHECKED ON SITE BEFORE
CONSTRUCTION COMMENCES

ALL EXISTING HEDGES AND TREES
TO BE RETAINED WHERE POSSIBLE

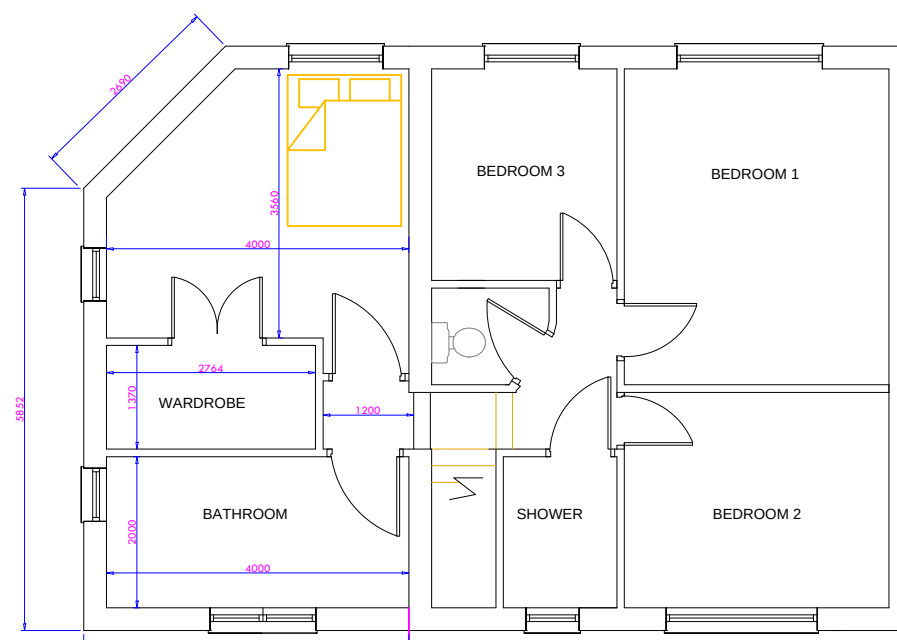
NOTES

REVISIONS



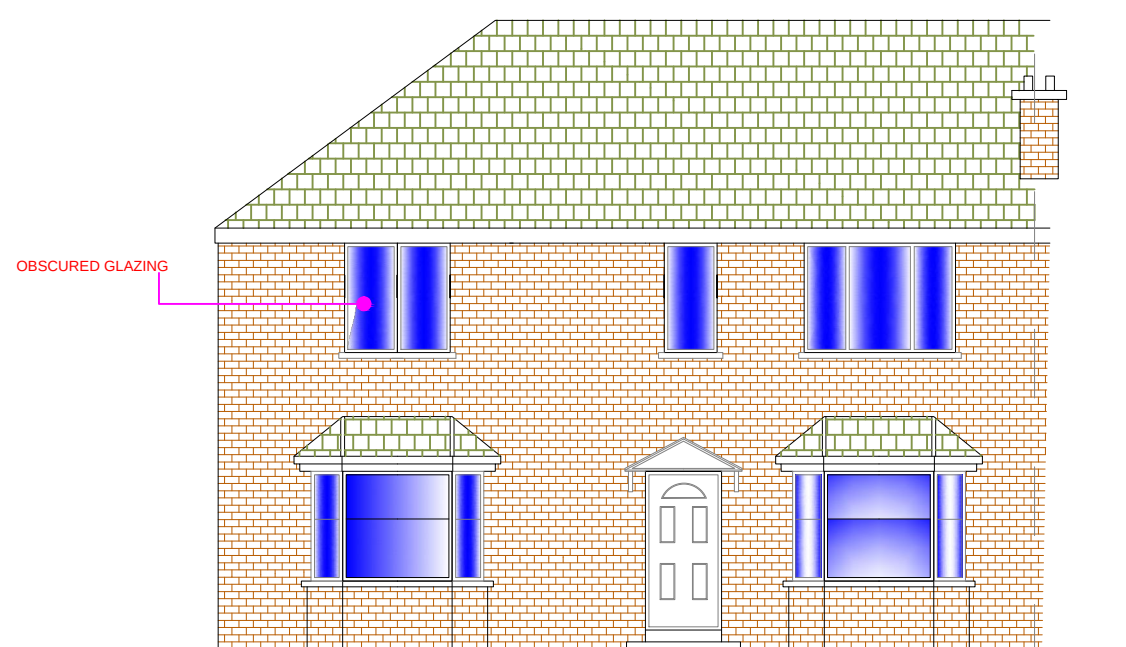
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PROPOSED
GROUND FLOOR



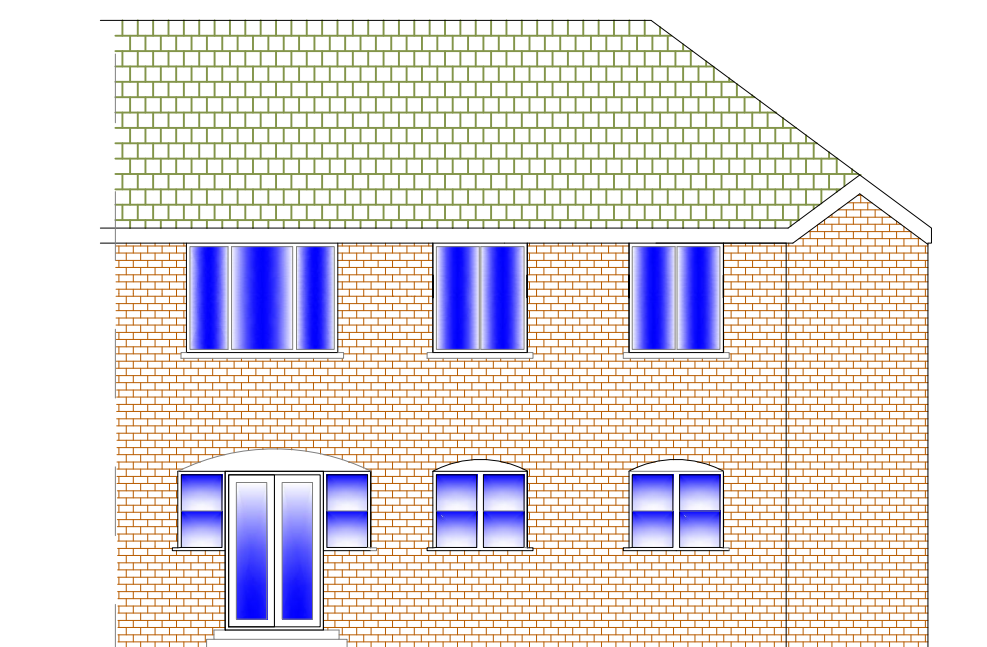
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PROPOSED FIRST
FLOOR



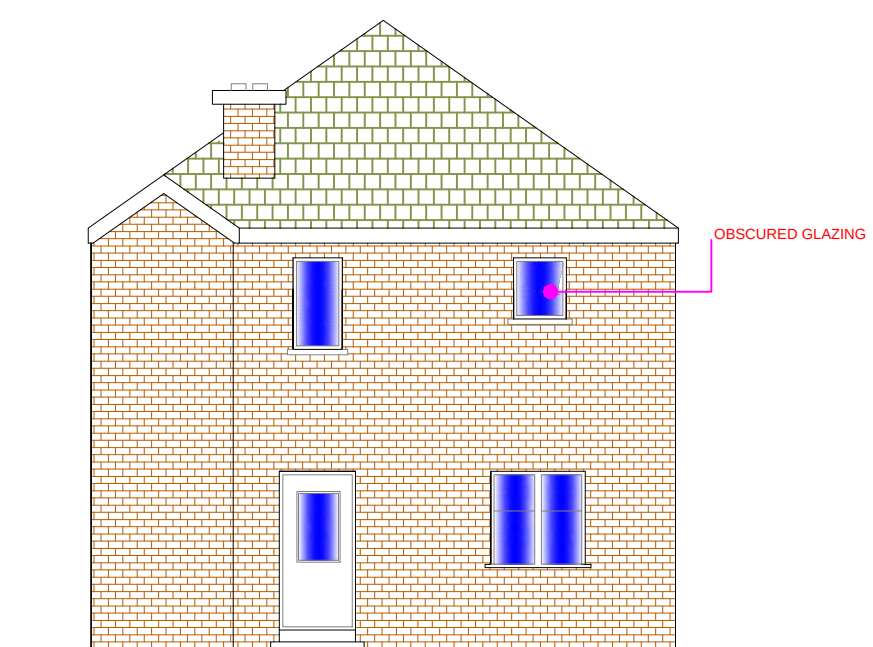
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PROPOSED FRONT
ELEVATION



EXTENT OF EXTENSION

PROPOSED REAR
ELEVATION



PROPOSED SIDE
ELEVATION

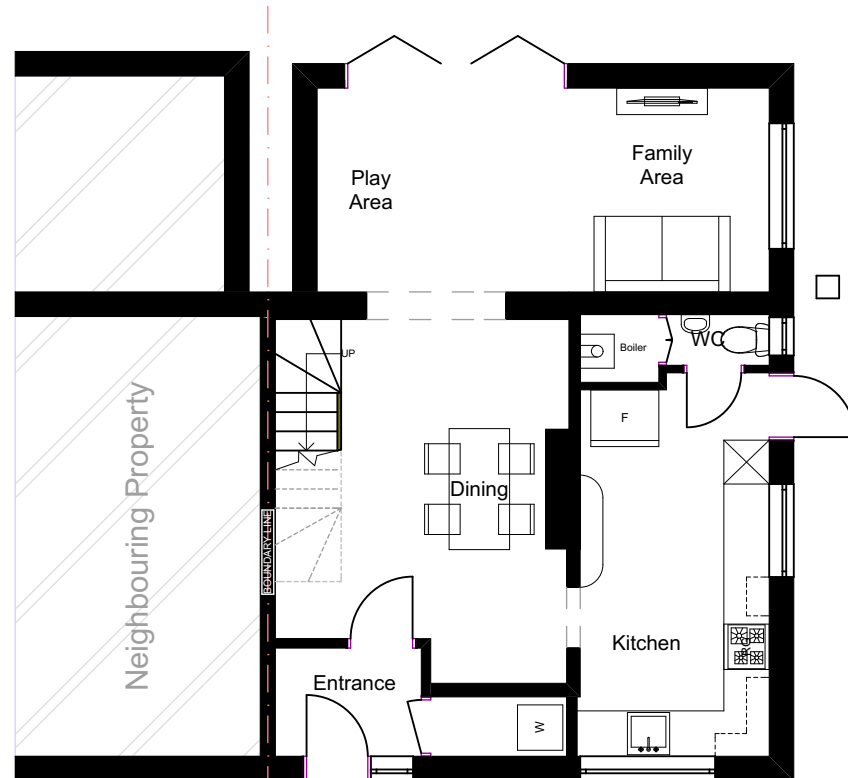
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KINGSWAY BURNAGE

CLIENT:JENNY HALL

SCALE: 1:100 ON A1 PAPER

REFERENCE NO: 1029

BARRY CULLEN
ARCHITECTURE
email:barrycullen_bc@yahoo.co.uk
mob: 07851262695



EXISTING GA GROUND FLOOR PLAN



EXISTING GA FIRST FLOOR PLAN



PROPOSED GA GROUND FLOOR PLAN



PROPOSED GA FIRST FLOOR PLAN

notes

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All dimensions shown are in millimetres (mm).

PL0 Planning Issue

25.10.21



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T - tender P - preliminary
C - construction R - record

PLANNING

JONATHAN SMITH.

HOUSE EXTENSION.
14 HOLMSIDE GARDENS,
MANCHESTER, M19 1WR

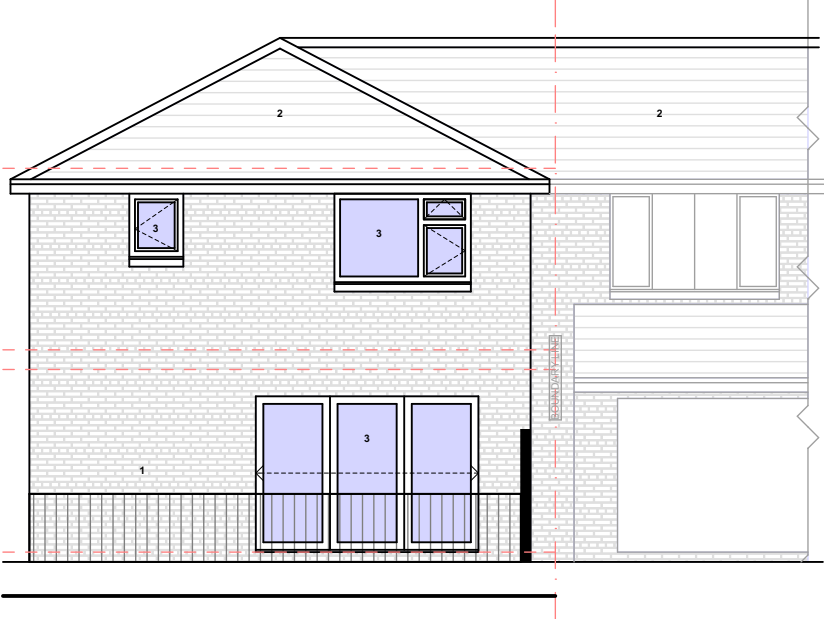
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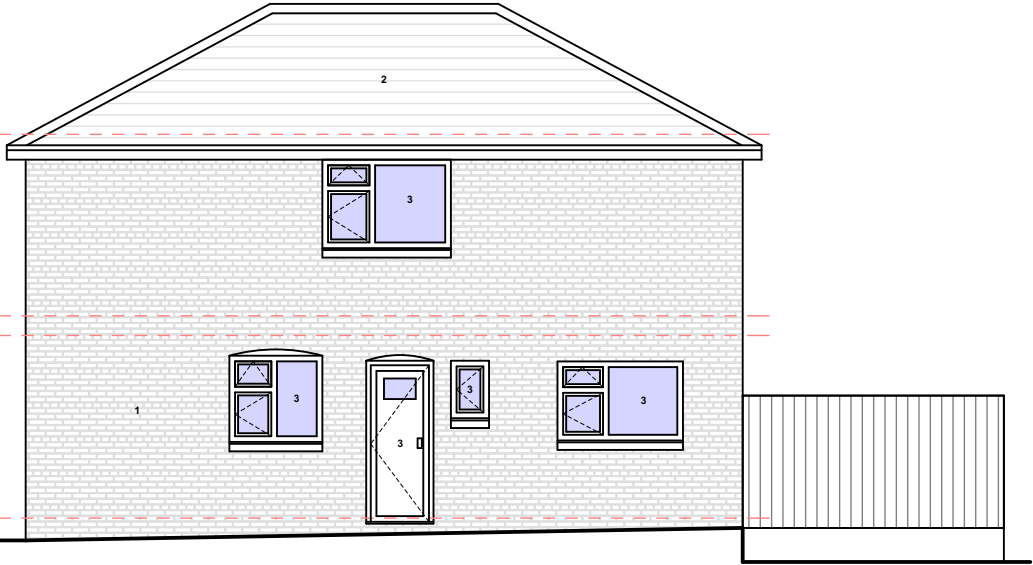
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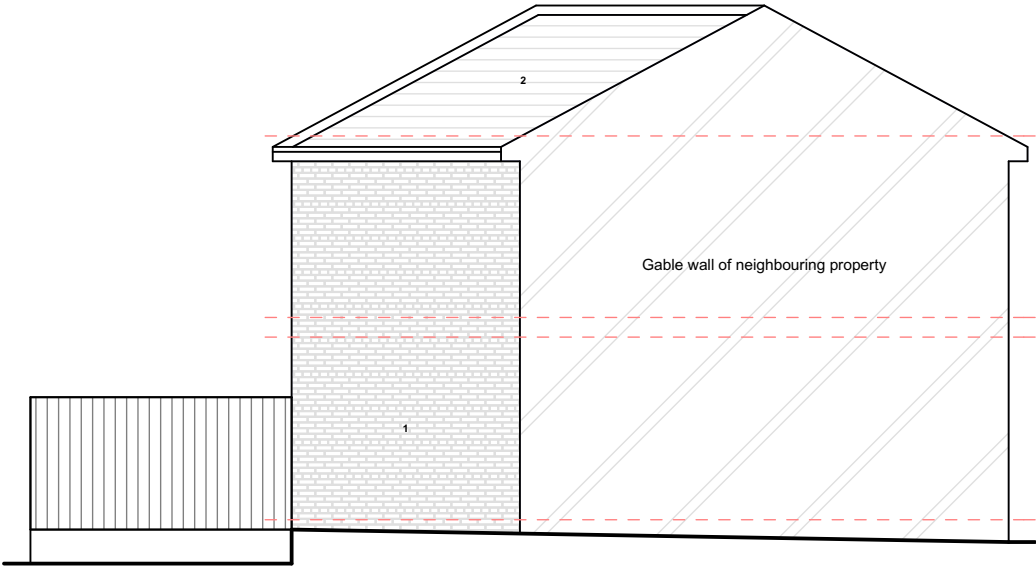
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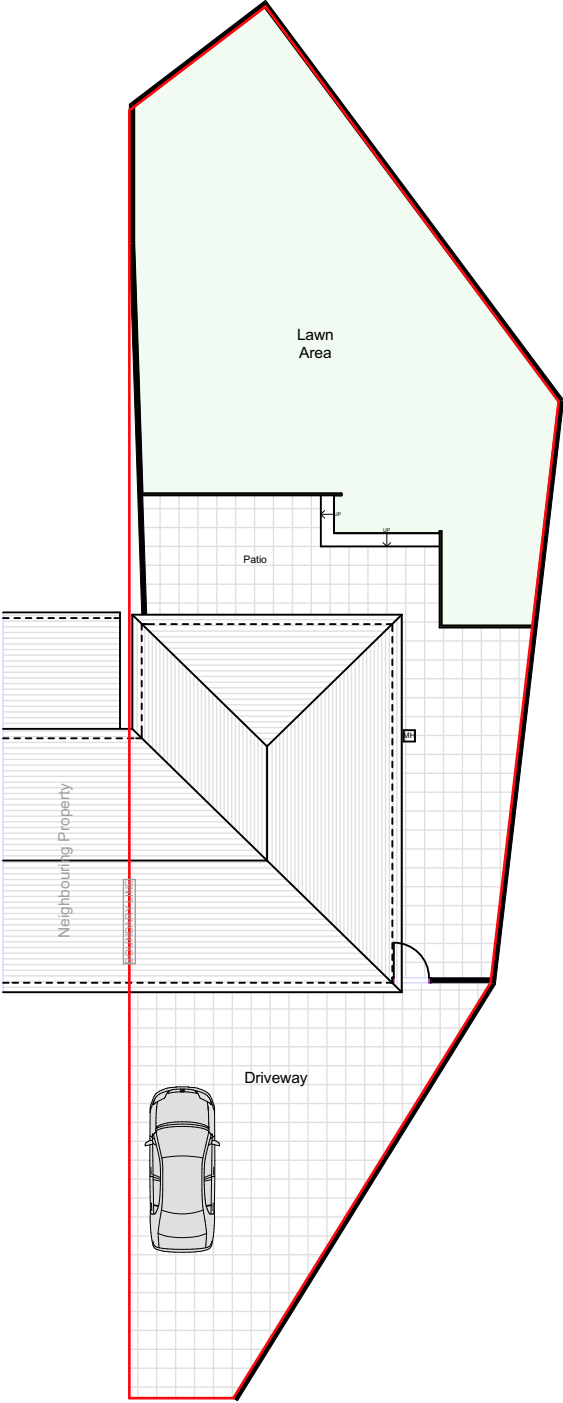
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EXISTING GA SIDE ELEVATION 1
@1:100



EXISTING GA SIDE ELEVATION 2
@1:100



HOLMSIDE GARDENS
EXISTING GA SITE PLAN
@1:200

notes

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Text Key

- Existing facing brickwork
- Existing slate roof tiles
- Existing uPVC door/window
- Existing timber door/window
- Existing skylight
- Proposed facing brickwork
- Proposed uPVC door/window
- Proposed slate roof tiles



PL0 Planning Issue

27.10.21



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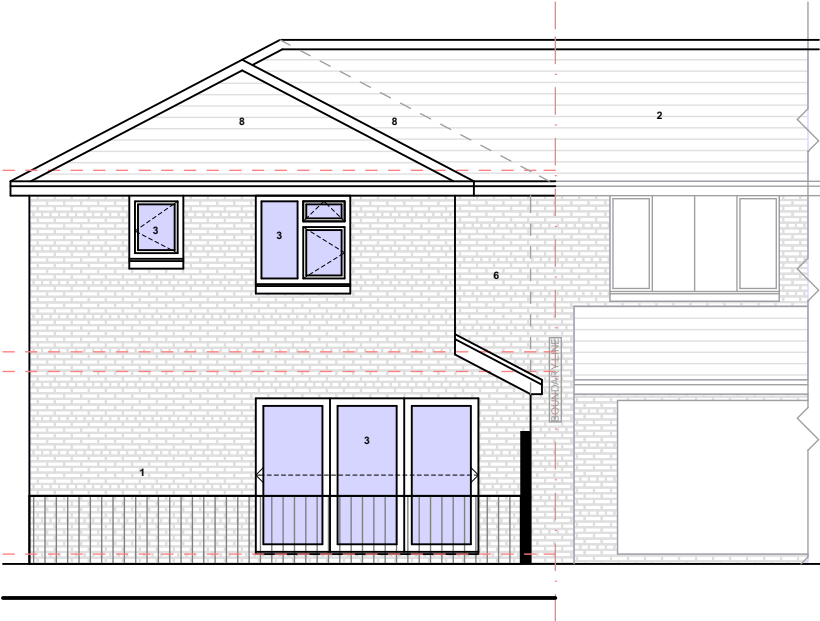
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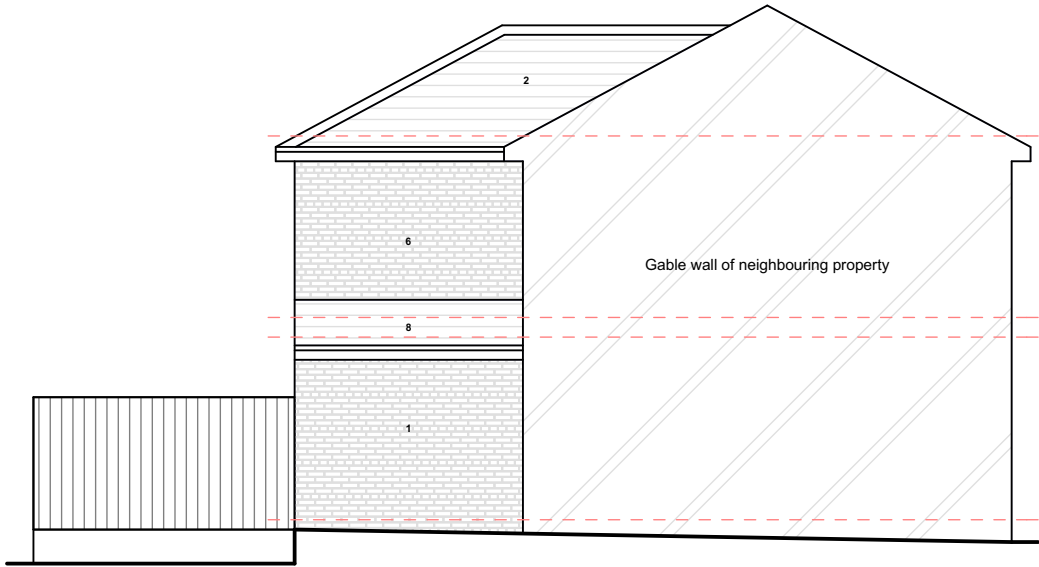
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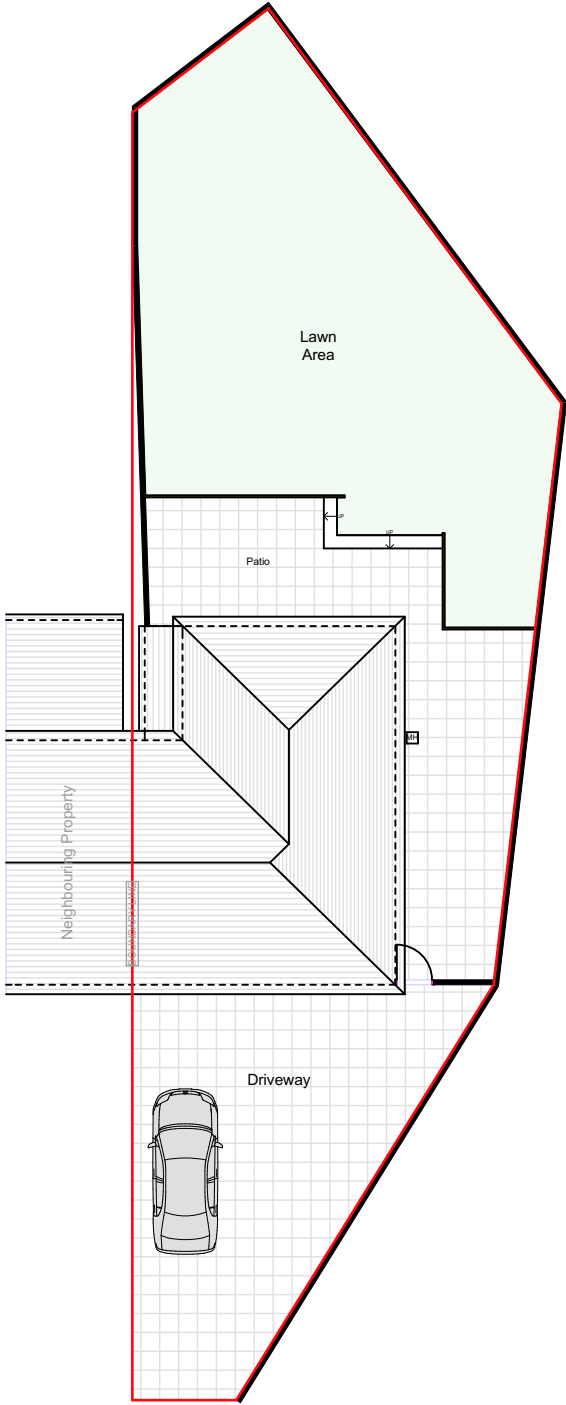
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PROPOSED GA SIDE ELEVATION 1
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PROPOSED GA SIDE ELEVATION 2
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HOLMSIDE GARDENS
PROPOSED GA SITE PLAN
@1:200

notes

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PL0 Planning Issue

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HOUSE EXTENSION.
14 HOLMSIDE GARDENS,
MANCHESTER, M19 1WR

PROPOSED GA SITE PLAN &
ELEVATIONS.

scale	date	drawn	checked
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1:200 @ A3			

job no	(category) dwg no	revision
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