The Planning Inspectorate

Appeal Decision

Site visit made on 26 March 2018

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2018

Appeal Ref: APP/B4215/D/17/3187901
11 Norland Walk, Manchester M40 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Christopher McCluney against the decision of Manchester City Council.
- The application Ref 117042/FH/2017, dated 19 July 2017, was refused by notice dated 20 October 2017.
- The development proposed is a 2 storey rear extension and front porch.

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey rear extension and front porch at 11 Norland Walk, Manchester M40 2DS in accordance with the terms of the application, Ref 117042/FH/2017, dated 19 July 2017, 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 the following approved plans: Site Location Plan; Proposed Site Layout Plan Scale 1:100 dated April 17; Existing Floor Plans and Elevations and Proposed Front and Side Elevations Scale 1:100 dated April 17; Proposed Rear and Side Elevations Scale 1:50 dated April 17; Proposed Ground Floor Plan Scale 1:50 dated April 17; and Proposed First Floor Plan Scale 1:50 dated April 17

   3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

   4) 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 constructed in the extensions hereby permitted.

Main Issues

2. The main issues in the appeal are the effect of the proposed extensions on:

   - The character and appearance of the area; and
   - The living conditions of the occupiers of No 9 Norland Walk with particular regard to outlook and sunlight.

Reasons

Character and Appearance

3. The appeal property is a mid-terraced house which fronts onto a pedestrian walkway. The terrace of which it forms a part is staggered with Nos 9 and 11 set forward of Nos 13 - 19, which in turn are set forward of the final two properties. As a result the rear elevation of No 13 projects some distance beyond the rear elevation of No 11. Although the immediate area contains a number of other terraces of similar properties, none of them are staggered.

4. The proposed rear extension would be the full width of the house and would extend as far as the rear elevation of No 13. As the rear elevation faces towards Bower Street, the extension would be clearly visible in the street scene. Nevertheless, although the different roof form would mark it out as an extension, as it would not project beyond the rear of No 13, it would not be an overly dominant or obtrusive feature.

5. The extension would result in some disruption to the rhythm and staggered nature of the terrace. However, given the limited number of properties in the terrace, and the fact that staggered terraces are not a defining feature of the area, I am satisfied that the proposed rear extension would not unacceptably harm the character and appearance of the area. My conclusion in this regard takes into account the fact that at either end of the terrace are properties that are perpendicular to the terrace and which project much closer to the road. This limits views of the terrace when travelling along Bower Street to the short range, and thus reduces any potential impact on the area.

6. The property currently has a small porch area to the front that consists of a small enclosed store area and a supported canopy over the door. This is consistent with the majority of other houses in the locality. The appeal scheme proposes to replace this with a small lean-to porch that would project a similar distance to the existing porch structure. As such, although more solid than the existing porch, it would remain a small subservient feature on the dwelling, and would not be a prominent feature in the area.

7. Whilst I note the general consistent design of the porches on houses in the area, I observed that No 23, at the end of the terrace, had altered and enlarged their porch. This has not had an unacceptable impact on the character and appearance of the area, and I am satisfied the appeal proposal would not do so either.

8. Therefore I consider that the proposed extensions would not unacceptably harm the character and appearance of the host property or the surrounding area. Accordingly, it would not be contrary to Policies SP1 and DM1 of the *Manchester Core Strategy Development Plan Document (adopted July 2012)* (MCS) or Policy DC1 of the *Unitary Development Plan for the City of Manchester (adopted July 1995)* (UDP) which, amongst other things, seek to ensure that proposals are well-designed, and protect and enhance the character and appearance of the area.

Living Conditions

9. The proposed rear extension would be located close to the common boundary and would project beyond the rear elevation of No 9 which contains a number of windows that serve habitable rooms. As a result of the proposal the

relationship between No 11 and No 9 would become the same as currently exists between No 13 and the host property, and between No 21 and No 19. Given that this relationship already exists elsewhere on the terrace, and there is no evidence to suggest that it has any detrimental impact on the outlook from the rear windows of the houses that are set back, I consider that although the proposed extension will be visible from No 9, it would not have such an overbearing effect that it would adversely affect the living conditions of the occupiers. In addition, as No 9 has a reasonable sized rear garden, I consider that the proposal would not create an unneighbourly sense of enclosure to the garden.

10. The rear of the terrace has a southerly orientation. Given this, whilst the extension would create some overshadowing of No 9, the loss of sunlight would be limited and consequently would not adversely affect the living conditions of the occupiers of this adjacent property.

11. Consequently, I consider that the proposed extensions would not unacceptably harm the living conditions of adjacent occupiers with particular regard to privacy. Thus, it would not conflict with Policies SP1 and DM1 of the MCS and Policy DC1of the UDP which, amongst other things, seek to ensure that developments have regard to, and protect the residential amenity and wellbeing of, residents and neighbouring occupiers.

Conclusion and Conditions

12. For the reasons set out above, I conclude the appeal should be allowed.

13. In addition to the standard implementation condition, I have imposed a condition specifying the relevant plans, as this provides certainty. In the interests of the character and appearance of the area a condition is required to control the external appearance of the extension. The Planning Practice Guide indicates that permitted development rights should only be removed in exceptional circumstances. Whilst, in order to protect the privacy of neighbouring residents it is necessary to remove permitted development rights regarding windows, in the absence of any justification I am not persuaded that it is necessary to restrict the use solely to Class C3(a).

Alison Partington

INSPECTOR