The Planning Inspectorate

Appeal Decision

Site visit made on 24 October 2017

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2017

Appeal Ref: APP/B4215/D/17/3180448
13 Victoria Avenue, Levenshulme, Manchester M19 2PB

- 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 Sarfraz Ahmed against the decision of Manchester City Council.
- The application Ref 115738/FH/2017, dated 24 March 2017, was refused by notice dated 19 May 2017.
- The development proposed is a single storey rear extension to form garage, with match to existing materials.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension to form garage, with match to existing materials at 13 Victoria Avenue, Levenshulme, Manchester M19 2PB in accordance with the terms of the application, Ref 115738/FH/2017, dated 24 March 2017, subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the approved plans IPS/R/13/M193PB Sheets 1 and 2.

    3) The walling materials to be used in the construction of the external side and rear walls of the garage hereby permitted shall match those used on the existing building.

Procedural Matters

2. The appeal form description of development is different from that on the application form. For clarity, I have used the description of development given on the application form. However, I have removed '*resubmission of the retrospective application'* from the description as this is not an act of development.

3. At the time of my site visit, the rear yard at the appeal property featured a single storey garage. There is a previous refused application (112672/FH/2016) for a similar proposal. The scheme the subject of the appeal before me comprises, in essence, a change in the materials to the existing unauthorised extension. That is reflected in the description of development set out in the header above.

Main Issues

4. The main issues are the effect of the proposal upon;
   i) the character and appearance of the host dwelling and area; and,
   ii) the living conditions of the occupiers of 11 Victoria Avenue.

Reasons

Character and appearance

5. The property is a detached three storey dwelling located in a sub-urban residential area. It is constructed from red brick, with gable fronted detailing and is of early 20th century construction.

6. The proposal is for a single storey garage, located to the rear of the dwelling, sited between the single storey rear extension and the rear boundary. There is a tall boundary treatment and gate which surrounds the side garden. This restricts the visibility or prominence of the garage considerably. Furthermore, the property has a good sized side garden remaining and owing to its modest height, location and overall scale, the proposal would appear as a subservient addition when viewed against the dwelling.

7. The proposed materials to the rear and side would be similar to the existing walling on the dwelling, and this would be an improvement to the current appearance of the unauthorised structure. The front of the garage is predominantly a garage door, and the surrounding materials have a neutral effect upon the overall appearance.

8. Consequently, I find that the proposal would not undermine the character and appearance of the host dwelling and area.

Living conditions

9. The neighbouring property, 11 Victoria Avenue, is separated from the appeal dwelling by a generous side gap and the proposal would be located to the side boundary. During my site visit, I took the opportunity to view the proposal from No 11.

10. The proposal would elongate the built form along the side boundary and would be taller than the current boundary treatment. However, I do not consider that the height of the proposal is excessive. It is lower than the existing single storey extension at the appeal dwelling and only moderately taller than a boundary treatment that could be erected under permitted development. Furthermore, No 11 is off set from the proposal by the gap between dwellings, and the windows in the rear elevation of No 11 do not directly face the garage.

11. Therefore, I find the height and mass of the proposal would not result in an overbearing or oppressive effect upon the rear ground floor windows or garden area. Enclosure of the open space above the side wall would not be unduly harmful, nor lead to undue loss of light owing to the modest scale of the garage. Thus I find that the proposal would not adversely affect the living conditions of the occupiers of 11 Victoria Avenue.

Other Matters

12. The standard of the construction and site drainage are matters controlled outside of planning law, and these other matters do not lead me to a different conclusion.

Conclusion

13. I find compliance with Policies DM1, EN1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (July 2012) and Policy DC1 of the Manchester Unitary Development Plan (July 1995). These policies seek to ensure the development has regard to the character of the area and has an acceptable effect upon neighbouring amenity.

14. In terms of conditions, it is necessary to list the plans to which the permission relates, as this provides certainty. It is also necessary to ensure that the materials match those of the host property in the interest of visual amenity.

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

Katie McDonald

INSPECTOR