The Planning Inspectorate

# Appeal Decision

Site visit made on 11 July 2017

**by Mrs A L Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI**

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

**Decision date: 17 August 2017**

**Appeal Ref: APP/B4215/D/17/3174056**
**1 Waltham Road, Manchester M16 8PG**

- 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 Mansha Hussain and Mr Imtiaz Illahi against the decision of Manchester City Council.
- The application Ref: 115188/FH/2017, dated 2 February 2017, was refused by notice dated 24 March 2017.
- The development proposed is described as the "removal of existing roof to single storey annexes, construction of new single storey conservatory attached to existing annex and new dual pitched roof".

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues in this case are: firstly the effect of the proposed development on the character and appearance of the host dwelling and the locality; and, secondly, the effect on the living conditions of the occupiers of No 3 Waltham Road in terms of visual intrusion and daylight/sunlight.

## Reasons

*Character and appearance*

3. No. 1 Waltham Road is a semi-detached dwelling, which is situated on the corner of Waltham Road and Springbridge Road. The dwelling fronts onto Waltham Road and there is a long, side boundary which fronts onto Springbridge Road. The dwellings on Waltham Road are similar in age and design.

4. The Council states that the appeal dwelling was built with a 2-storey, rear outrigger. I have no reason to disagree with this analysis of the building's construction history as it matches the dwelling in style and material.

5. A single storey. flat roofed extension has been added to the main rear elevation. It projects some 4.2m. It is attached to the side of the 2-storey outrigger and extends close to the party boundary with No. 3. There is another single storey extension attached to the rear of the 2-storey outrigger. This extends the dwelling some 3.5m further into the garden.

6. The proposed development is described as a conservatory as it includes many roof lights and a large expanse of glazing on the rear elevation. The proposal would link the single storey extension on the main, rear elevation to the single storey extension on the 2-storey outrigger. It would align with both of the existing extensions and as such would be close to the party boundary with No. 3. The roofs of both existing single storey extensions would be replaced and a new dual pitched gabled roof would cover these as well as the proposed extension.

7. Given that the proposed extension when combined with the existing single storey rear extensions would extend rearwards some 7.85m overall with an eaves height of some 2.4 m[1] and with a ridge height of some 3.9m[2], it would create an excessively large single storey structure. Additionally, although the extension would be at the rear of the property, it would be visible from Springbridge Road over the boundary wall and through the foliage of the hedge. Overall it would create a large, prominent and discordant structure, which would be detrimental to the character of the locality. It would conflict with Core Policies SP 1 and DM 1 of *Manchester's Local Development Framework: Core Strategy Development Plan Document* (CS) adopted 2012 and Policies DC1.1, DC1.2 & DC1.3[3] of *The Manchester Plan: The Unitary Development Plan for the City of Manchester* (UDP) dated 1995. These policies seek to protect the character and appearance of the area.

*Living conditions*

8. No. 3 Waltham Road is attached to the appeal dwelling. It also has a rear outrigger and this is set away from the party boundary so that there is a ground floor habitable room on the rear main elevation immediately adjacent to the party boundary with the appeal dwelling.

9. The party boundary between the two semi-detached dwellings is a mature hedge. The planning application indicates that part of the hedge would be removed to accommodate the extension. Although the proposed extension would be set in from the party boundary line, the proposed extension would be significantly taller and would be clearly viewed from the habitable rear windows of No 3 above any replacement boundary treatment.

10. Furthermore, given the increased height, due to the addition of a pitched roof and significant rearward projection close to the boundary, it would be very dominant and visually intrusive. On this basis, it would be overbearing to the occupiers of No. 3 when viewed from the ground floor habitable room. This would be contrary to CS Policy DM 1 which, amongst other things, refers to amenity.

11. The rooms on the rear elevation of No. 3 face approximately to the south and No.1 is positioned approximately to the east of No. 3. In terms of daylight, the proposed extension to the rear of No 1would reduce the amount of daylight received to the ground floor habitable room window at No 3. However, as a single storey extension at No 1 already exists close to this ground floor window at No. 3, any further reduction in daylight would only be marginal.

[1] A figure of 2.355 m is referred to on the submitted drawing.
[2] A figure of 3.892 m is referred to on the submitted drawing. However, the Council refers to this figure as around 4m
[3] As these policies are consistent with the *National Planning Policy Framework* (the Framework), I accord them considerable weight.

12. Given the orientation of the properties, the position of the existing 2-storey outrigger and the existing, single storey extensions at No. 1, there would already be a reduction in sunlight to a ground floor habitable room window close to the party boundary for part of the morning. However, the proposed development would extend further rearwards and with the increase in roof mass, there would be a further reduction in sunlight received at that window during the morning. This would amount to a significant reduction overall.

13. Although there would not be a material loss of daylight, I consider there would be a significant reduction in sunlight which would detrimentally affect the living conditions of the occupiers of No. 3. Thus the proposed development would conflict with CS Policy DM 1 and saved UDP Policies DC1.1 and DC1.2. These policies refer to amenity of neighbouring occupiers including daylight/sunlight.

**Other Matters**

14. I appreciate that the appellants' seek the rear extension to provide accommodation for an elderly relative. I have taken into consideration the Public Sector Equality Duty[4] and have had due regard to the benefit of the scheme for the family and their elderly relative. My decision fairly reflects the groups of people involved.

15. The appellants have referred to extensions to other properties in the locality. Although I have no details as to when they were built, I noted that many of them were significantly different to the appeal scheme in that they were located to the side or front of a property or were at the rear but were not visible from public vantage points or related to different types or ages of properties[5]. In addition, the appellants refer to an extension at No. 5 Waltham Road. This property is not as prominently located as the appeal dwelling and the rear extension is not easily discernible from the public domain. Moreover, the Council explains that this 6m rearward projecting extension was a' Prior Approval Notification'. Therefore, the examples to which the appellants refer can all be distinguished from the appeal before me. In any case, I am required to determine each appeal on its own merits in the light of current planning policy. I have done so in this case.

**Conclusions**

16. Therefore, the proposed development would detrimentally affect the character and appearance of the host dwelling and its' locality. Also it would harm the living conditions of the occupiers of No. 3 in terms of visual intrusion and loss of sunlight. It would be contrary to the relevant UDP policies referred to above. For the reasons given above, the appeal is dismissed.

*Mrs A L Fairclough*

INSPECTOR

[4] S149(1) Equality Act 2010
[5] including a nursing home