The Planning Inspectorate

Appeal Decision

Site visit made on 22 February 2012

by N McGurk BSc (Hons) MCD MBA MRTPI

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

Decision date: 20 March 2012

Appeal Ref: APP/B4215/D/12/2168776
2 Peaceville Road, Levenshulme, Manchester, M19 2DQ

- 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 Habibur Rahman against the decision of Manchester City Council.
- The application Ref 097742/FH/2011N2, dated 31 October 2011, was refused by notice dated 21 December 2011.
- The development proposed is a two storey side extension to the dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on the character and appearance of the area, and on the living conditions of occupiers of No 4 Peaceville Road, with regards to daylight and sunlight.

Reasons

Character and Appearance

3. The appeal property is a brick and tile, bay fronted, detached property, with an attached garage. It is located in a prominent position, on the corner of Peaceville Road and Kingsmere Avenue, close to the junction with Kingsway. The residential area is characterised by similar two storey detached and semi detached properties, the gaps between them, particularly at first floor level, contributing to a perception of openness which is part of the character and appearance of the street. That character would be eroded if the gaps were eroded or lost.

4. The proposed development would replace the garage with a two storey extension that would be flush with the front wall of the existing property, would not be set down from the ridge and which, I understand, would be set just 0.2 metres off the side boundary. Consequently, its size, design and proportions mean that it would not be seen as subservient to the original dwelling, as required by policy DC1.2 of the Council's Unitary Development Plan (1995). In this prominent corner location, the extension would be seen as an unduly dominant and intrusive feature that would detract from the character and

appearance of the area contrary to policies H2.2 and DC1.1 of the Unitary Development Plan which, together seek to protect and improve the quality of the environment.

5. Whilst the footprint would not increase and it would be no nearer to the boundary than the existing garage, the scale and height of the proposed extension would significantly reduce the gap between the appeal property and No 4 Peaceville Road at first floor and roof levels. This would have the effect of diminishing openness, to the detriment of the character and appearance of the area. In this regard, I am also mindful that No 4 has an existing, unimplemented planning permission to replace its single garage with a two-storey side extension. If the development the subject of this appeal were to go ahead and No 4's permission were to be implemented, the gap would be lost. The undesirable terracing effect would further erode the character and appearance of the area in conflict with UDP policy DC1.4.

Living Conditions

6. During my site visit, I observed that the appeal property is significantly taller than No 4. As such, the proposed development, which would extend beyond the rear wall of the dwelling, would result in a large and blank gable end being constructed very close to the side of the adjoining property. Although there are side facing windows at first floor level, I understand these to be to stairs and a bathroom. Whilst the extension proposed would be likely to result in some loss of light to those windows, they do not serve habitable rooms and I find no harm in this regard. However, as acknowledged by the appellant, the rear garden to No 4 is already in shade for much of the day. The size, bulk and orientation of the proposed extension would be likely to exacerbate that situation further, to the detriment of the living conditions of adjoining occupiers. This would be contrary to policies DC1.1 and DC1.2 of the Unitary Development Plan, which seek to protect such interests.

7. The occupiers of No 1 Kingsmere Avenue, adjacent to the appeal site to the north, are also concerned about loss of light and overlooking. The two properties are set an angle and the rear of the appeal property faces towards the rear garden to No 1. I share the concerns of adjoining occupiers that, in such close proximity, the rearward projection would be likely to be seen as overly dominant, if not overwhelming. Moreover, the first floor rear facing window proposed, which would be closer to the boundary than the existing windows, would also be likely to result in some loss of privacy, particularly to the garden area.

Other Matters

8. The proposed materials would accord with the existing character and appearance of the property, and the proposed access and parking provision would not be detrimental to the safety or free flow of traffic on Peaceville Road. However, these considerations do not overcome the significant harm I have identified.

9. I have given careful consideration to the argument of the appellant that the development proposed would provide additional bedroom accommodation for his growing family. However, personal circumstances, which are transitory by their nature, will seldom outweigh more general planning considerations. The

development proposed is of a permanent nature and will remain long after the personal circumstances of the appellant have ceased to be material. Mr Rahman's family circumstances are not sufficient, in this case, to outweigh the harm that I have identified.

Conclusion

10. For the reasons given above I conclude that the appeal should not succeed.

N McGurk

INSPECTOR