The Planning Inspectorate

Appeal Decision

Site visit made on 27 September 2011

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 14 October 2011

Appeal Ref: APP/B4215/A/11/2154746
65 Richmond Grove, Manchester M13 0DH

- 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 James Skelton against the decision of Manchester City Council.
- The application Ref 095712/FO/2011/N2, dated 10 March 2011, was refused by notice dated 19 May 2011.
- The development proposed is single storey rear extension for house of multiple occupation, revised window arrangement, internal modifications and new perimeter fence.

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension for house of multiple occupation, revised window arrangement, internal modifications and new perimeter fence at 65 Richmond Grove, Manchester M13 0DH in accordance with the terms of the application, Ref 095712/FO/2011/N2, dated 10 March 2011, 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: 1:1250 scale location plan; 1:500 scale block plan; and Drawing 5299/2/A (proposed plans and elevations).

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

    4) Before the first occupation of the extension hereby permitted the ground floor window on the rear south facing elevation shall be fitted with obscured glass and shall be permanently retained in that condition.

    5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows other than those expressly authorised by this permission shall be constructed on any elevation of the extension hereby permitted.

Main Issues

2. The main issues are; the effect of the proposed development on the character and appearance of the area with regard to the street scene; its effect on the living conditions of neighbouring occupiers with regard to outlook and privacy; and its effect on the living conditions of existing and future occupiers of the property proposed to be extended in respect of amenity space.

Reasons

3. 65 Richmond Grove is a substantial traditional residence, one of a curving terrace of very similar properties with various and often complex projections stepped down from their principal rear elevations, many of which appear to be part of the original construction of the dwellings. The existing projections at the appeal site are said to be in this category and from their appearance and condition I have no reason to doubt that.

4. Behind Richmond Grove lies Thurlby Street, a straight terrace of smaller houses separated from the appeal site by an alleyway, now gated for security but open to view from Ingoldsby Avenue, the impression being of an unusually spacious, albeit relatively enclosed, space between the western ends of the two terraces. The spacious impression to the west results from the geometry of Richmond Terrace but, conversely, its curvature results in the yard areas to the rear of Nos. 63 – 69 being relatively restricted by comparison with the size of the houses. That associated with the appeal site is particularly restricted, the rear projections already taking much of the available space, one consequence of which is to bring the single storey element close to the boundary of the property with the alleyway. The circumstances of the appeal site are therefore already quite densely developed and constrained, both visually and in terms of useable outside space.

5. The extension proposed would increase the building mass at the rear of the appeal site so as to constrict, primarily at ground floor level, the prospect across the rear of the Richmond Grove properties from Ingoldsby Avenue. However, that visual constriction would be mitigated by virtue of it being at ground floor level and the marginally increased mass above that would in my estimation be visually acceptable in the context of the overall varied massing, proportions and positioning of the structures to the rear of the terrace. The existing balance between spaciousness and built form around the proposed development, whilst recognisable, is not so fine as to create a context in which some change to that balance is inevitably harmful. Moreover, while I acknowledge that the rooflights to the single storey element would give it a somewhat complex appearance; this would not impact in any significantly harmful way upon the overall street scene.

6. On balance, therefore, despite some increase in mass in an already densely built-up environment, I do not consider the effect of the proposed development would unduly harm the street scene or the character and appearance of the area so as to give rise to significantly harmful conflict with the intentions of saved policy H2.2 of the Council's Unitary Development Plan (UDP) concerning the scale and appearance of development in residential areas, or the equivalent intentions of policies DC1.1 and DC1.2 which relate to residential extensions specifically.

7. The form of extension proposed subsumes the existing projection to the rear of the appeal site and extends it further outwards. While, in view of the rather unusual degree of projection of the original building form, I do not consider the technical compliance with the Council's normal maximum of 3.65m cited by the appellant to be a particularly influential consideration in this case, I nevertheless accept that the form and staggered footprint of the proposed extension would effectively mitigate the "tunnelling" effect referred to by the Council. I do not therefore consider that the proposed extension would be unduly overbearing in the outlook of occupiers of No 67 Richmond Grove. Nor, in view of the angle of outlook from the secondary window at the rear of No 63 Richmond Grove, do I consider there would be any such harmful effects on occupiers of that property.

8. A third party raises the outlook from habitable living space at the rear of property nearby on Thurlby Street but I do not consider, bearing in mind existing and

proposed intervening boundary features and the shallow angle of the long roof slope to the ground floor element of the proposed extension, that the impact of the proposed extension on the outlook of its occupiers would be unacceptably overbearing. There would, however, be some potential loss of privacy, a matter that could adequately be addressed, as the appellant suggests, by requiring the rear kitchen window to be obscure glazed.

9. While I acknowledge that the already comparatively small yard area of the appeal site would tend to exaggerate the impact of additional building, it is frequently the case with such houses that the outdoor amenity space is limited. I am conscious that the Council's statement makes no reference to specific adopted standards in respect of such amenity space and, although this is already significantly constrained in this instance, I do not consider, in all the circumstances, that what is proposed would unacceptably alter living conditions in that respect, either for current or future occupiers of the property.

10. For the above reasons, I do not consider, on balance, the proposed development would conflict in a significantly harmful way with the intentions of UDP policies DC1.1 or DC1.2 regarding living conditions.

11. Moreover, while I appreciate, bearing in mind the supplementary planning document to which it refers, *Guide to Development in Manchester*, that the Council seeks to positively promote sustainable development in the context of vibrant and cohesive communities, I am not persuaded that the proposed development would undermine the long term attractiveness to residents of the accommodation at the appeal site, the likelihood of its long term occupation or the sustainability of the residential area as a consequence. Areas and individual properties evolve in response to residents' needs and demands for differing types of accommodation, a tendency, it seems to me, which is recognised and encouraged by criterion c. of the UDP policy DC1.1. Investment in the fabric of property such as the appeal site seems to me a positive factor in that context. Nor do I consider that there would be significantly harmful conflict with the intentions of Planning Policy Statement 1 *Delivering Sustainable Development* or those of the emerging National Planning Policy Framework, albeit that the weight to be accorded to the latter is in any event limited by its draft, consultative status.

12. The Council suggests a number of conditions, all of which I consider to be necessary having regard to the advice of Circular 11/95 *The Use of Conditions in Planning Permissions*. Bearing in mind the constraints of the appeal site and its environs, the suspension of permitted development rights in respect of windows would be justified, as would the appellant's suggestion to secure by condition the obscure glazing of the rear kitchen window.

13. Having taken all other matters raised into account, I conclude, for the reasons given above, that the appeal should be allowed.

Keith Manning

Inspector