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# Appeal Decision

Site visit made on 11 March 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

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**Appeal Ref: APP/B4215/D/24/3354895**

**37 Kippax Street, Manchester, M14 4EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Ali Said against the decision of Manchester City Council.
  - The application Ref is 140457/FH/2024.
  - The development proposed is for the erection of a first-floor extension to replace the existing roof terrace to create a bigger bedroom.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. There have been changes to the National Planning Policy Framework (the Framework) since the determination of the planning application. Having reviewed them, I am satisfied that as far as their substance relates to the main issues in the appeal, further consultation with the main parties would not be necessary since they have not materially affected or prejudiced the cases of the parties. I have proceeded on this basis, with reference to the 2024 version of the Framework.

## Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area; and
  - the living conditions of occupiers of 39 Kippax Street, with particular regard to outlook.

## Reasons

### *Character and Appearance*

4. The appeal property is a two-storey mid terrace property in a residential area of Manchester. The dwelling features a two-storey rear projection with a roof dormer, and a single storey rear extension. Surrounding development includes mainly terraced properties. Various extensions, some of which extend the full length of the site, and dormers are evident within the surrounding area.
5. The proposal would result in the creation of a first-floor extension that would follow the footprint of the existing single storey rear extension below. The ridge height of the proposal would be set down from the ridge height of the existing two storey

rear projection, ensuring the subservience of the proposed extension to the existing dwelling and reducing its visual impact.

6. The proposal would not be readily visible when viewed from the main street scene of Kippax Street given its positioning to the rear of the property. Whilst the proposed extension would be visible when travelling along Great Southern Street and the alley way to the rear of Kippax Street, it would be viewed within the context of numerous other rear projections, dormers and extensions. As a result, the proposed extension would be in keeping with the varied character and appearance of rear elevations in the area.
7. For the reasons above, I conclude that the proposal would be in keeping with and complement the character and appearance of the area. I therefore find no conflict with policy SP1, DM1 or EN1 of Manchester's Local Development Framework-Core Strategy Development Plan Document (2012) (CSDPM) in this regard. Similarly, I also find no conflict with policy DC1 of The Unitary Development Plan for the City of Manchester 1995 (UDP). Collectively these policies aim to create well designed places which have regard to the character of surrounding areas. It would also be in accordance with the aims and objectives of the Framework in this regard.

#### *Living conditions*

8. The proposed extension would project outwards from the rear wall of the existing two storey rear projection, along the shared boundary with No.39. No.39 has a first-floor rear facing window on its two-storey rear projection, which appears to serve a habitable room, situated next to the shared boundary. As a result of the depth of the proposed extension and its siting on the shared boundary, it would dominate the outlook from the first-floor rear facing window of No.39 and create an overbearing sense of enclosure.
9. I therefore conclude that the proposal would have an adverse impact on the living conditions of the occupiers of 39 Kippax Street with particular reference to their outlook and sense of enclosure. This would be contrary to policy SP1 and DM1 of the CSDPM and policy DC1 of the UDP in this regard. Collectively these policies, amongst other matters, seek to ensure that development has regard to effects on neighbouring amenity. It would also be contrary to the aims and objectives of the Framework in this regard.

#### **Other Matters**

10. The appellant has outlined that the extension is necessary for ventilation and security. They explain how at present the bedroom is served by doors that open onto the roof terrace which cannot be opened due to security reasons. However, I am not convinced that an extension is necessary to achieve increased security and ventilation. Other options such as the replacement of the doors with a window do not appear to have been explored.
11. The appellant has outlined how they are willing to revise the design to address the Council's concerns. However, it is not the purpose of an appeal to evolve a scheme, and as this appeal has been dealt with by way of the Householder Appeals Service, even if details of an amended scheme had been submitted with the appeal, I would not be able to take them into account.

12. The appellant has listed the addresses of a number of other properties with rear extensions in the area, arguing that these create a precedent. They have included images of a rear extension at 50 Kippax Street. This extension is however set back at first floor level, reducing any impact on the outlook from neighbouring windows. Similarly at 65 Ruskin Avenue, it appears that this extension is also of a lesser depth than the appeal proposal, and so any impact on neighbouring outlook would also be likely to be less than the proposed extension. These extensions therefore are not directly comparable to the scheme before me and reference to them has not altered my assessment of this issue.
13. With regards to the development at 38 Ruskin Avenue, I was unable to view this fully on my site visit due to the presence of large gates at the entrance to the alleyway. I am not fully able to access the impact on neighbouring amenity from the photos provided by the appellant and have no further information relating to the extension here. I am therefore unable to draw any meaningful comparison between this extension and the appeal proposal.
14. Turning to the developments at 326 Great Western Street, 14 Rawcliffe Street and 353 Claremont Road, whilst I do acknowledge the presence of these extensions, the circumstances in each proposal are likely to be different, and in any event the fact that apparently similar developments have been granted permission is not a reason, on its own, to allow unacceptable development. I have considered the appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. These developments therefore are of limited weight in favour of the proposal.

## **Conclusion**

15. Notwithstanding my favourable findings with regard to character and appearance and compliance with the associated criteria of related policies, the harm that would be caused to the living conditions of the occupiers of No. 39, and the resulting conflict with the development plan are such that the proposed scheme would not comply with the development plan considered as a whole. As no material considerations outweigh this finding, the appeal should be dismissed.

*S Burch*

INSPECTOR