Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2024

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/B4215/W/24/3345194
35 Goulden Road, Manchester M20 4ZE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs C Keaveney against the decision of Manchester City Council.
- The application Ref 139418/JO/2024, dated 29 February 2024, was refused by notice dated 9 May 2024.
- The application sought planning permission for a ground floor extension to rear, conversion of hipped roof to gable end and provision of dormer to rear elevation without complying with a condition attached to planning permission Ref APP/B4215/W/21/3268075, dated 2 June 2021.
- The condition in dispute is No 2 which states that:
  The development hereby permitted shall be carried out in accordance with the following approved plan: 2020-01-01.

Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted at appeal for various alterations to the appeal property, including a rear dormer extension[1] (the appeal approval). That permission was subject to a condition specifying the approved plan. The dormer extension was subsequently constructed, however the evidence indicates this was not in accordance with the approved plan of the appeal approval, namely it incorporated a side cheek wall flush with the side gable wall of the property.

3. The Council subsequently issued an enforcement notice against this breach, following which it also refused planning permission to vary the plan condition of the appeal approval which sought to regularise the work which had been carried out.

4. The evidence before me indicates that alterations to the dormer have since been carried out. However, these alterations neither reflect the development allowed in the approved plan of the appeal approval nor the development shown on the plan accompanying this appeal. Regardless, the appellant has made it clear that they seek to vary the approved plan of the appeal approval so as to reflect a flush gable arrangement, rather than regularise the alterations that were carried out to the dormer.

5. The main issue is therefore the effect that varying the approved plan would have on the character and appearance of the area.

[1] Appeal ref: APP/B4215/W/21/3268075

Reasons

6. The appeal property is a two-storey semi-detached dwelling located within a predominantly residential area. The proposed amendment to the design of the dormer as approved in the appeal approval would result in a rear dormer whose side elevation would be flush with the side gable of the host dwelling. The set-in previously approved, whilst limited, assisted in creating visual subservience between the extension and the original dwelling. The amended design would result in the visual appearance of an overly dominant second floor extension which would be a visually top heavy addition to the host dwelling.

7. The amended plan also indicates that the height of the dormer would be greater than that of the appeal approval. Therefore, the proposal would also lack subservience to the host property in this respect. This dominant and incongruous addition would be readily apparent in the street scene.

8. I acknowledge that similar property types in the immediate locality have undergone hip-to-gable extensions which also incorporate rear dormers. However, many of the examples are of smaller dormers which are visually subservient to the host property either through a set-in from the side gable or are of a significantly reduced size compared to the appeal proposal. I also do not know the circumstances under which each example has been constructed. Indeed, I note the example at 37 Goulden Road does not appear to have been granted permission and is exempt from enforcement action. The examples do not therefore provide clear justification for the appeal proposal.

9. I appreciate that it may be possible to carry out hip-to-gable and rear dormer extensions by utilising permitted development (PD) rights, as evidenced through the example at 60 Tanfield Road provided by the appellant. However, it has not been convincingly demonstrated that the proposed amendments to the approved plans would constitute PD in this instance. I therefore cannot conclude that a realistic fallback exists and thus I afford this matter limited weight.

10. Accordingly, the proposed amendment to the plan of the appeal approval would result in harm to the character and appearance of the area. It therefore fails to accord with policies SP1, EN1 and DM1 of the Manchester Core Strategy (2012) and saved Policy DC1 of the Unitary Development Plan for the City of Manchester (1995) which aim for high quality developments which have regard to and reinforce the character of the property and its locality. Therefore, condition 2 of the appeal approval is reasonable and necessary and it shall remain in its current format.

Conclusion

11. The proposal conflicts with the development plan as a whole and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should be dismissed.

H Ellison

INSPECTOR