

Planning permission Appeal 200 Holmcroft Road Mr MM Chahwanda

The appeal is being made against Manchester City council's refusal of planning permission for the proposed larger home extension. The appellant contends that the reasons for refusal are not justified based on the following key points.

Summary of Appeal Reasons:

1. **Development Location:** The proposed extension is situated at the back of the property and on the ground, not directly adjoining the shared boundary of the nearby property. Additionally, there is already a significant distance between the extension and the neighboring property, which is occupied by a primary school and a large two-story building. This distance mitigates any potential adverse impacts on the neighboring property's amenity.
2. **Surrounding Structures:** The presence of a primary school and a large two-story building behind the proposed extension demonstrates that the area is not a purely residential setting. The existing structures have a substantial scale and massing, which makes the 6-meter extension pale in comparison and unlikely to create an overbearing presence or oppressive sense of enclosure for the surrounding properties.
3. **Vagueness of Policy D1.1-D1.3:** The Unitary Development Plan's Policies D1.1-D1.3, which were cited as the grounds for refusal, may lack clarity in terms of their interpretation, especially when considering the context of the existing larger structures in the vicinity. The policies may not provide clear guidance on how to assess developments in areas where non-residential buildings coexist with residential properties.
4. **Compatibility with the Area:** The proposed extension's design and scale should be evaluated in the context of the entire neighborhood. If there are other sizable structures nearby, and the development is consistent with the overall character of the area, it may not negatively impact the visual and residential amenity as claimed in the refusal reasons.

Based on these appeal reasons, I will argue that the refusal of planning permission is unjustified, as the proposed extension takes into consideration the location at the back of the property, the presence of

larger structures nearby, and the absence of direct contact with the shared boundary of the neighboring property 198. The appeal seeks a reconsideration of the decision, highlighting the unique context of the site and the development's compatibility with the existing surroundings.

I will Explore the vagueness of Policy D1.1-D1.3 in the Unitary Development Plan and its implications on developments in areas with mixed residential and non-residential buildings:

1. Lack of Clarity in Interpretation: Policy D1.1-D1.3 likely outlines guidelines for assessing the scale, massing, and visual impact of developments within residential areas. The lack of specific criteria and clear parameters for interpretation has led to subjective judgments by the planning authority. This subjectivity has resulted in inconsistent decision-making and confusion for me and other applicants seeking planning permission .
2. Inadequate Consideration of Context: The policies do not adequately account for the contextual factors in areas where residential and non-residential buildings coexist. In mixed-use or transitional zones, the scale and massing of developments need to be evaluated differently, considering the pre-existing larger structures in the area. A blanket application of the policies without considering the unique context has resulted in the refusal of my otherwise suitable development. This is wrong and unfair as a different planning officer would have reached a different conclusion as the policy has a wider interpretation.
3. Balancing Residential and Commercial Needs: In areas with mixed land uses, there is often a delicate balance between residential amenity and the requirements of non-residential activities. Policy D1.1-D1.3 does not explicitly address how to strike this balance while ensuring that new developments contribute positively to both aspects as my development caters for my young school going children and my own mobility problem as I am 60 years old and a pensioner with bad legs and cannot use stairs to go upstairs to my bedroom and toilet as quickly as possible. This is the sole reason for my extension.
4. Lack of Flexibility: The policies lack the flexibility needed to accommodate diverse architectural styles and building types. A rigid approach to scale and massing assessments has stifled creativity and innovative design, limiting the potential for well-integrated developments that enhance the character of the area and householder needs.

5. Uncertainty for Applicants: The vagueness of Policy D1.1-D1.3 has led to uncertainty for me and other applicants, as they may not be certain of the exact standards, they need to meet for their proposals to be approved. This uncertainty can deter potential developments and hinder the growth and improvement of areas with mixed land uses. Manchester has a social housing crisis and cannot be addressed by rigid policies which lack flexibility.
6. Potential for Appeal and Litigation: The lack of clarity in the policies opens the door to potential legal challenges by me and other applicants who feel that their proposals were unjustly refused. Such appeals can cause delays and additional costs for both applicants and the local authority as my property planning refusal is incompatible with my rights as a freeholder owner.

Clearer guidelines would benefit both myself and other applicants and planning authorities, providing a more predictable and fair process for evaluating proposals in areas with diverse land uses.

citing DM1 of the Core Strategy as refusal, specifically regarding visual and amenity, and scale considerations is not clear and specific as it is open to various interpretations which cannot be a burden to the applicant to prove. I believe that the decision to refuse planning permission was unwarranted and unjustified, and I respectfully request a reconsideration of the application based on the following grounds which DM1 does not specifically address:

1. Visual and Amenity Impact:

The proposed development was carefully designed to ensure minimal impact on the visual and residential amenities of the surrounding area as seen from my plans. It was thoughtfully integrated into the existing architectural context and character of the neighborhood. The refusal reason stated concerns about the overbearing presence and oppressive sense of enclosure, but I would like to bring to your attention that:

- a. The extension is located at the rear of the property, away from the primary view from neighboring properties, ensuring that it does not dominate or obstruct their outlook.

- b. The development maintains an adequate setback from shared boundaries, preserving the privacy and visual amenity of neighboring properties.
- c. Any potential impact on neighboring properties has been mitigated through thoughtful design, including appropriate landscaping and screening measures.

2. Scale Considerations:

The proposed development adheres to the guidelines provided in the Core Strategy, ensuring that it is in proportion with the surrounding buildings and streetscape. Moreover, it is essential to consider the context of the area and the coexistence of non-residential buildings nearby:

- a. The neighboring primary school and large two-story building demonstrate that the area already accommodates structures of considerable scale. The proposed extension's size is consistent with these existing buildings and does not disrupt the established urban character.
- b. The scale of the extension is well-balanced and proportionate to the property's size, preserving the harmony of the local streetscape.
- c. The extension's design was developed with sensitivity to the area's mixed-use nature, and it does not compromise the residential amenity while complementing the non-residential aspects of the neighborhood.

In light of the above, I contend that the refusal under DM1 of the Core Strategy is based on an overly strict interpretation that does not adequately consider the unique circumstances of the area. The proposed development aligns with the spirit of the Core Strategy, contributing positively to the visual character and residential amenity without causing any adverse effects.