



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mrs Parveen Kauser

FOLLOWING THE REFUSAL OF PLANNING PERMISSION BY:

Manchester City Council

REF:

133779/FH/2022

FOR:

Erection of a two storey side extension to form additional living accommodation

AT:

14 Delacourt Road, Manchester, M14 6BX

August 2022

1.0 BACKGROUND

1.1 This appeal relates to the refusal of planning permission for the '*Erection of a two storey side extension to form additional living accommodation*' at no. 14 Delacourt Road, Manchester, M14 6BX.

1.2 The application was dated 24th April 2022 and the development was subsequently refused on 19th July 2022 by Manchester City Council, with the decision notice stating two reasons for refusal, as noted below:

1. *The two-storey side extension by reason of its design and its relationship to the shared boundary with no. 12 Delacourt Road, fails to provide an adequate setback at first floor leading to the potential of creating a terracing effect and detracting from the character of the original property. The proposal provides a detrimental impact within the street scene and therefore is contrary to saved policy DC1 of the Unitary Development Plan for the City of Manchester, the National Planning Policy Framework and policies DM1 and SP1 of the Manchester Core Strategy Development Plan Document.*
2. *The proposed extensions by reason of their height, rearward projection and close proximity to the site boundary would create an undue loss of light and have an overbearing impact to no. 12 Delacourt Road, to the detriment of the amenity of the occupiers of the property. The proposed development is therefore contrary to the provisions of DC1.1, DC1.2, DC1.3, DC1.4 of the Unitary Development Plan and policy DM1 of the Core Strategy.*

1.3 The appellant considers that by virtue of the design of the extension, the context of the site and other mitigating factors that the council's reasons for refusal are unjustified and believes the best approach in this case is to submit an appeal in order for a detailed assessment to be undertaken.

1.4 The following statement will, therefore, seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme conforms to the aims of national and local planning policy.

2.0 APPEAL PROPERTY AND LOCATION



No. 14 Delacourt Road

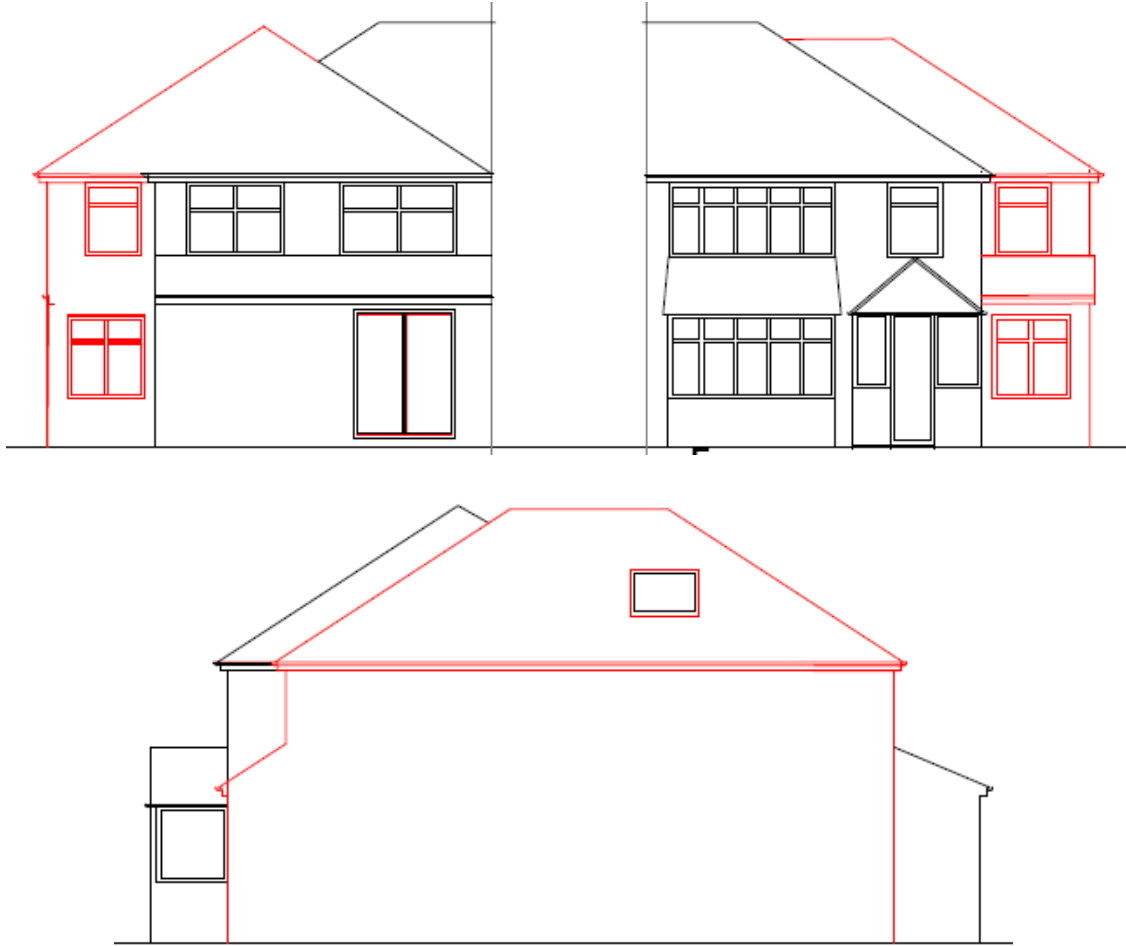
- 2.1 The appeal site comprises a semi-detached, two storey single family dwelling house which has previously been extended with a two storey rear extension.
- 2.2 No. 14 is positioned to the north eastern side of the road within a residential area. The site is not within a conservation area or within the curtilage of a listed building.



Aerial view of appeal site and surrounding location

3.0 PROPOSAL

- 3.1 The proposed scheme sought planning permission for the '*Erection of a two storey side extension to form additional living accommodation*' at no. 14 Delacourt Road.



Proposed front, rear and flank elevations

- 3.2 The proposed side extension would be 1.9m wide x 11.5m deep. The first-floor element would be set back by 1m. The extension would be set in marginally from the common boundary to allow for guttering.
- 3.3 The extension would have a hipped roof, the eaves would follow the lines of the existing house whilst the ridge would be set down from the main roof.
- 3.4 The windows would be of a size and design to match those existing and the external materials would harmonise with the appearance of the host property.
- 3.5 The development would provide approximately 30m² of additional space which would accommodate a utility and bathroom, and a study at ground floor and the space would allow a reconfiguration of the space to the first floor to create an additional bedroom.

4.0 RELEVANT PLANNING POLICY

4.1 The reasons for refusal refer to the National Planning Policy Framework and policies DM1 and SP1 of the Manchester Core Strategy Development Plan Document and the provisions of DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan.

4.2 The following paragraphs will provide a brief summary of the relevant policies. The paragraphs are in a hierarchical order relative to the importance of national and local planning policy.

National Planning Policy Framework (NPPF)

4.3 The NPPF set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

4.4 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

- 4.5 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way.

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 126 describing how the Government attaches great importance to the design of the built environment, stating that “*Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.*”
- 4.7 Paragraph 130 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Core Strategy

- 4.8 The Core Strategy was adopted by Manchester City Council on 11th July 2012. It is the key document in Manchester's Local Development Framework and covers a period of 15 years from 2012 to 2027. Policies DM1 and SP1 were referred to within the given reasons for refusal.

Policy DM1: Development Management

- 4.9 All development should have regard to the following specific issues for which more detailed guidance may be given within a supplementary planning document:-

- Appropriate siting, layout, scale, form, massing, materials and detail.
- Impact on the surrounding areas in terms of the design, scale and appearance of the proposed development. Development should have regard to the character of the surrounding area.

Policy SP1: Spatial principles

- 4.10 Development in all parts of the City should:- Make a positive contribution to neighbourhoods of choice including:-

- creating well designed places that enhance or create character.
- making a positive contribution to the health, safety and wellbeing of residents
- considering the needs of all members of the community regardless of age, gender, disability, sexuality, religion, culture, ethnicity or income.
- protect and enhance the built and natural environment.;

Extant Unitary Development Policies

- 4.11 The Core Strategy replaced much of the UDP but some UDP policies are extant. Policies DC1, DC1.1, DC.12, DC1.3 and DC1.4 were referred to within the given reasons for refusal

Policy DC1: Residential Extensions

- 4.12 DC1.1 In determining planning applications for extensions to residential properties, the Council will have regard to:

- a. the general character of the property;
- b. the effect upon the amenity of neighbouring occupiers;
- c. the desirability of enabling people to adapt their houses in appropriate ways to meet changing household needs;
- d. the overall appearance of the proposal in the street-scene;
- e. the effect of the loss of any on-site carparking.

DC1.2 Extensions to residential properties will be allowed subject to compliance with other relevant policies of the Plan and the following criteria:

- a. they are not excessively large or bulky (for example, resulting in structures which are not subservient to original houses or project out too far in front of the original buildings);
- b. they do not create an undue loss of sunlight, daylight or privacy;
- c. they are not out of character with the style of development in the area or the surrounding street scene by virtue of design, use of materials or constructional details;
- d. they would not result in the loss of off-street car-parking, in a situation where there is so severe an existing on-street parking problem that unacceptable additional pressures would be created.

DC1.3 Notwithstanding the generality of the above policies, the Council will not normally approve:

- a. rearward extensions greater than 3.65m (12 ft) in length;
- b. 2-storey extensions with a flat roof, particularly those which would be visible from the public highway;
- c. 2-storey extensions to terraced properties which occupy the full width of the house;
- d. flat roofed extensions to bungalows;
- e. extensions which conflict with the Council's guidelines on privacy distances (which are published as supplementary guidance).

DC1.4 In considering proposals for 2-storey side extensions, the Council will have regard to the general guidance above and also to supplementary guidance to be issued. In particular, the Council will seek to ensure that:

- a. the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;
- b. the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;
- c. the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.

As a guide, and without prejudice to the generality of this policy, the Council will normally permit 2-storey house extensions which, when built, would leave a minimum of 1.52m (5 ft) between the side wall and the common boundary, and which meet the other requirements of this policy. Proposals which cannot meet these requirements will be judged on their merits, but with weight being given to (a) and (c) above

5.0 GROUNDS OF APPEAL

5.1 The appellant's case will address the concerns raised within the reasons for refusal, notably:

- a) Whether the two-storey side extension creates a terracing effect and detracts from the character of the original property; and
- b) Whether the proposal provides a detrimental impact on the street scene; and,
- c) Whether the proposed extensions by reason of their height, rearward projection and proximity to the site boundary would create an undue loss of light and have an overbearing impact to no. 12 Delacourt Road.

5.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Impact on character and appearance
- Impact on residential amenities

Impact on character and appearance

5.3 Paragraph 126 of the NPPF states that *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

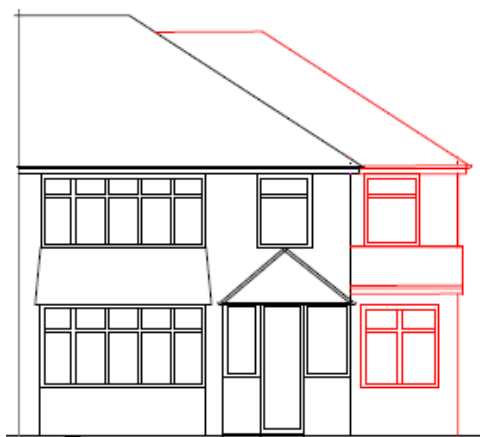
5.4 Paragraph 130 states that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping whilst being sympathetic to local character.

5.5 Core Strategy policies DM1 (Development Management) and SP1 (Spatial Principles) require development to have regard to the character of the surrounding area in terms of design, scale and appearance to protect and enhance the built environment.

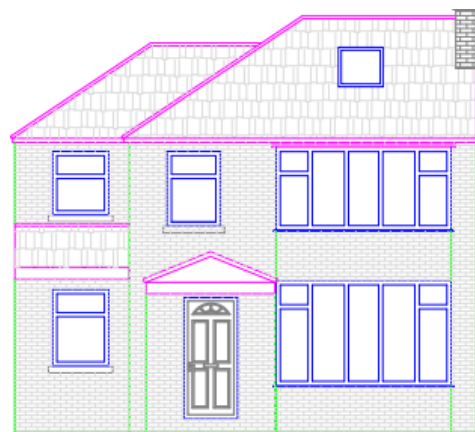
5.6 Saved UDP policies DC1 (Residential Extensions) state that the council will have regard to the general character of the property and the overall appearance of the street scene.

5.7 The council refused the development citing that the two-storey side extension by reason of its design and relationship to the shared boundary with no. 12 would lead to the potential of creating a terracing effect and detract from the character of the original property and have a detrimental impact within the street scene.

- 5.8 In response, the appellant states that the proposed two storey side extension has been designed to respect the character and appearance of the existing dwelling and the surrounding pattern of development which includes other similar two-storey side extensions.
- 5.9 To recap the scheme proposes a two-storey side extension which would be 1.9m wide x 11.5m deep. The first-floor element would be set back by 1m. The roof would be hipped and follow the eaves line of the host property whilst the ridge would be set below the main roof. The windows would follow the size, design and position of the existing windows in the property and the proposed materials would harmonise with the current external appearance.
- 5.10 UDP policy DC1.4 states the Council will seek to ensure that (our emphasis):
- the development potential of the gap between detached and semi-detached houses is capable of being shared equally by the owners or occupiers of the two properties concerned;***
 - the actual or potential result of building the extension will not be the creation of a terracing effect, where this would be unsympathetic to the character of the street as a whole;*
 - the actual or potential result of building the extension will not be the creation of a very narrow gap between the properties, or any other unsatisfactory visual relationships between elements of the buildings involved.*
- 5.11 The above policy details are relevant as the council have recently approved the 'Erection of a part single, part two storey side and part single, part two storey rear extension and porch to front to provide additional living accommodation' under application ref 130056/FH/2021 at no. 12 Delacourt Road (Details attached in **Appendix A**).



Proposed scheme at no. 14



Approved scheme at no. 12

- 5.12 The above information demonstrates that the refused scheme at no. 14 and the approved scheme at no. 12 are very similar and given that they have been assessed against the same national and local planning policy there is no justifiable reason for the refusal of the appeal proposal.
- 5.13 Saved UDP policy DC1.4 clearly states that **the development potential of the gap between semi-detached properties should be shared.** Whilst the appellant acknowledges that only a small gap would be retained between the extended pair this would not be unsympathetic to the character of the area and thus, the development would result in a satisfactory relationship between the dwellings.
- 5.14 Moreover, council policy does not stipulate a specific set back measurement for first floor side extensions and therefore, it is stated that the 1m set back provided in this instance is more than sufficient to ensure that the scheme would not create a terracing effect.
- 5.15 The following example shows semi-detached dwellings which have been extended on Brentbridge Road to the south east of the appeal site. These examples have a modest set back and thus do not create a terracing effect.



Nos. 39 and 41 Brentbridge Road

- 5.16 Furthermore, there are other properties upon Delacourt Road where one property has extended up to the shared boundary and if the council follow their own policy guidance the neighbouring property should be allowed to extend in a similar manner.
- 5.17 In this case, the proposed extension has been adequately set back from the front elevation, which in combination with the hipped roof design the appeal development would not produce the terracing effect the council seek to avoid.
- 5.18 Taking into account the above information the proposed development would not detract from the character of the original property and would have a positive impact within the street scene. Therefore, the development would comply with the design

aspirations of the NPPF and with the overall aims of UDP policy DC1 and Core Strategy policies DM1 and SP1.

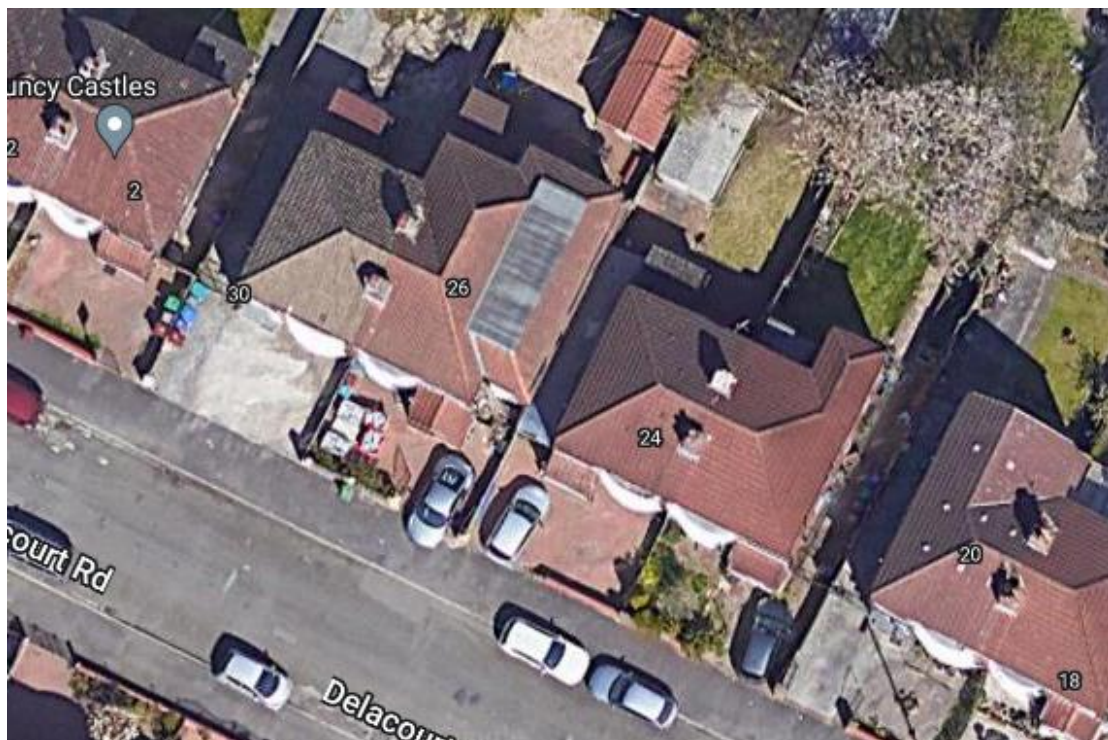
Impact on residential amenities

- 5.19 Paragraph 130 f) of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.20 Saved UDP policies DC1.1 and DC1.2 states that in determining planning applications the council will have regard to the effect upon the amenity of neighbouring occupiers to ensure they do not create an undue loss of sunlight, daylight or privacy.
- 5.21 The council refused the development citing that the extension would create an undue loss of light and have an overbearing impact to no. 12 Delacourt Road.
- 5.22 In response the appellant states that the proposal has been sensitively designed to mitigate the impacts on the residential amenities of neighbouring occupiers.
- 5.23 Moreover, the council are again failing to take into account the development they approved under application ref 130056/FH/2021 on 10th June 2021 at no. 12 Delacourt Road for the *'Erection of a part single, part two storey side and part single, part two storey rear extension and porch to front to provide additional living accommodation'*.



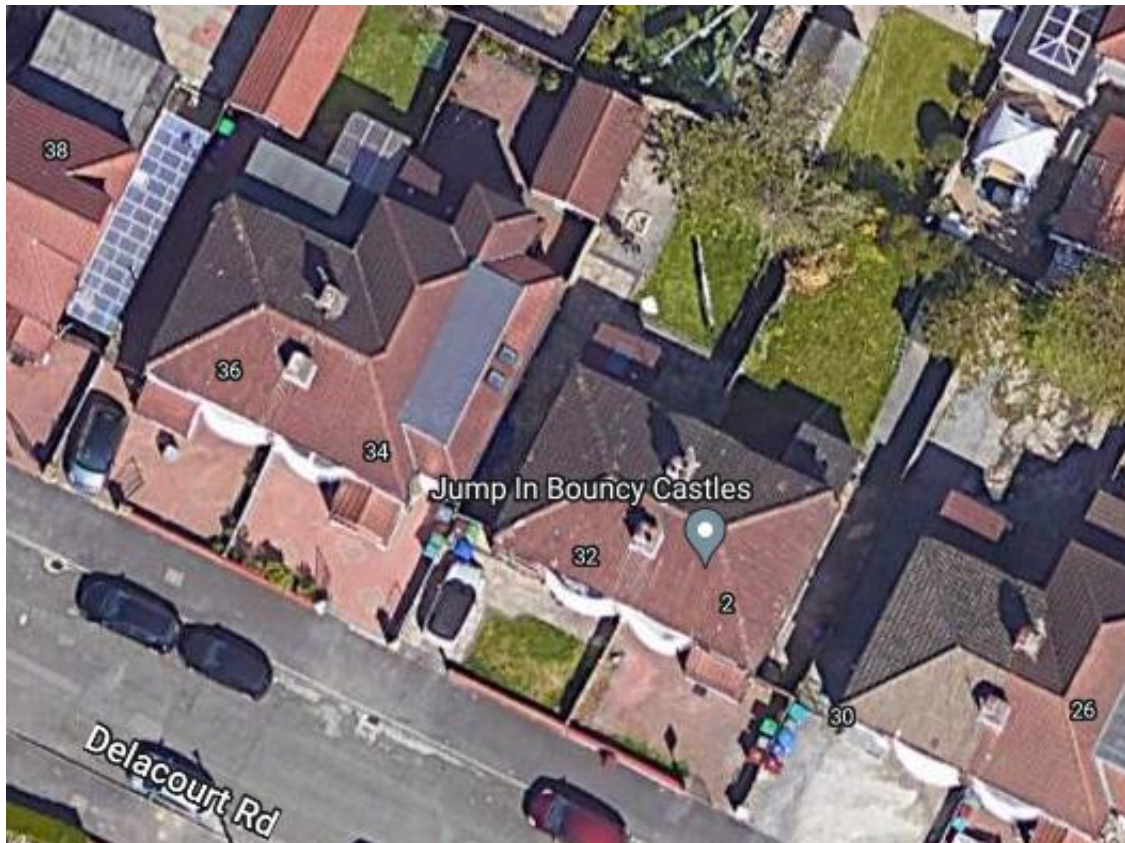
Approved block plan at no. 12 Delacourt Road

- 5.24 Furthermore no. 12 is positioned to the south eastern side of the appeal property and therefore, any impacts on light would be negligible.
- 5.25 The proposed appeal extension would have a hipped roof and measure 1.9m wide, it would extend just 3.65m beyond the rear elevation of the current un-extended no. 12 which is set away from the common boundary. However, as highlighted above no. 12 has gained planning approval for a part single, part two storey side and part single, part two storey rear extension. Whilst the appellant accepts that the approved development at no. 12 has not yet been built the letter attached in **Appendix B** confirms the occupier's intentions to commence work on the approved development.
- 5.26 Given the above information the rearward projection of the appeal extension would not result in an undue loss of light or any overbearing impacts on the residential amenities of the occupiers of no. 12 Delacourt Road.
- 5.27 Nevertheless, in further support of the proposal the appellant puts forward information relating to other similar developments approved on Delacourt Road in order to highlight that the effects of the appeal proposal would not result in material harm to the occupiers of no. 12.
- 5.28 No. 26 Delacourt Road has extended with a similar two storey side extension which projects beyond the rear of no. 24 as shown in the aerial image below. Application ref 102316/FH/2013/S1 was approved 27th June 2013 and was assessed against the same Core Strategy and UDP policies as the appeal proposal.



Two storey side/rear extension approved at no. 26 Delacourt Road

- 5.29 No. 34 Delacourt has also been extended with a two-storey side/rear extension which projects beyond the rear of no. 32. No. 34 gained planning consent under application ref 101666/FH/2013/S1 on 11th April 2013 which was also assessed against the same Core Strategy and saved UDP policies as the appeal development.



Approved two storey side/rear extension at no. 34 Delacourt Road

- 5.30 Furthermore, the appellant has received a letter of support from the neighbouring occupy of no. 12 which confirms that, in their opinion, the proposed works would not have any detriment to the occupiers of no. 12. The negligible impact of the development is further corroborated by the lack of neighbour objection to the proposal in terms of effects on light and overbearing impacts which although not determinative is nonetheless a material consideration in favour of the proposal.
- 5.31 For the reasons identified, the development would not cause unacceptable harm to the residential amenities of neighbouring occupiers by reason of a loss of light or overbearing impacts. Consequently, there would be no conflict with the aims of the NPPF or the objectives of Core Strategy policy DM1 and Saved UDP policies DC1.1, DC1.2, DC1.3 and DC1.4 which collectively seek to maintain a high standard of amenity for existing and future users.

6.0 CONCLUSIONS

- 6.1 The proposed two-storey side extension would be a high quality, subordinate addition which would complement the character of the host building and have an acceptable impact on the street scene of Delacourt Road.
- 6.2 The proposed extension would also not result in a loss of light or have an overbearing impact to no. 12 Delacourt Road and therefore, would be a neighbourly form of development.
- 6.3 Thus, it is stated that the council's decision to refuse on this occasion was unsound as the appeal proposal conforms with the aims of the National Planning Policy Framework and policies DM1 and SP1 of the Manchester Core Strategy Development Plan Document and the provisions of DC1.1, DC1.2, DC1.3 and DC1.4 of the Unitary Development Plan.
- 6.4 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

30th August 2022