



Appeal Decision

Site visit made on 29 April 2026

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th May 2026

Appeal Ref: 6004548

8 Lindsay Avenue, Manchester M19 2AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Khaled Ali against the decision of Manchester City Council.
- The application Ref is 144805/PDE/2025.
- The development proposed is new rear 4.5m deep extension for the full width of the house. Existing out house to be removed and party wall to be made sound. Materials of new development to match existing and be sympathetic to existing house.

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for development described as new rear 4.5m deep extension for the full width of the house. Existing out house to be removed and party wall to be made sound. Materials of new development to match existing and be sympathetic to existing house at 8 Lindsay Avenue, Manchester M19 2AG in accordance with the application ref 144805/PDE/2025, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4.

Preliminary Matters

2. The Council have raised concern that the appellant has not been professionally represented, and suggests that Artificial Intelligence has been used in their submission. However, this claim is not backed by any credible evidence to suggest that this is indeed the case. In any event, I have judged the proposed development on the merits of the application and the contents of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Main Issue

3. The main issue is whether the proposal would constitute permitted development under Schedule 2, Part 1, Class A of the GPDO, with particular regard to the terms of paragraph A.1(j).

Reasons

4. The appeal property is a two-storey semi-detached dwelling. The original rear wall of the property is host to a single storey projecting bay window. The main parties agree that it is an original feature of the property. Paragraph A.1(j) of Class A of the GPDO outlines that development is not permitted by Class A if, amongst other

things, the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation and would have a width greater than half the width of the original dwellinghouse. The Council conclude that the projecting bay window forms a part of a side elevation of the original dwelling, even though they state that it cannot be said to be entirely side facing, and would also have a width greater than half the width of the original dwelling. Therefore, it is not considered to constitute permitted development.

5. The Permitted development rights for householders - Technical Guidance (MHCLG, 2019) identifies that a side elevation will be any wall that cannot be identified as being a front wall or a rear wall. It also states that houses will often have more than two side elevation walls. However, what constitutes a side elevation on any dwellinghouse is a matter of planning judgement, on the facts of a particular case, and taking into account the advice in the Technical Guidance.
6. The bay window in question is two sided, with an element of brickwork between the appeal property and the opposing bay window at the neighbouring property of 6 Lindsay Avenue. Its projection is less than 90 degrees to the flat section of the rear elevation. Therefore, these parts of the bay are not angled more towards the sides of the property than the rear. Its overall size from the full rear wall of the appeal property is exceptionally limited. In my view the bay window is simply a detail of the rear wall of the original dwellinghouse. Its very small projection and shallow angle of its elevations are factors that I have taken into account in coming to this conclusion.
7. There will be cases where rear bays are of a scale or design that could support the interpretation of the Council, but in this case, I find that the rear bay window in its entirety is most reasonably considered as being part of the rear wall of the house. Taking this approach, the proposal would not exceed the Class A limitations and hence would be development permitted by the GPDO.

Other Matters

8. In reaching its position on this case, the Council noted that no consultation had been undertaken with neighbouring owners or occupiers at the application stage. During the appeal process, however, the Council confirmed that a consultation exercise had been carried out, and that neighbouring occupiers had been formally notified of the appeal. I have reviewed the notification letter issued to the identified interested parties and am satisfied that it provides sufficient detail to clearly explain the nature of the proposed development. Interested parties were therefore afforded a reasonable opportunity to make representations. No responses have been received. In the absence of any representations, my duty to assess the scheme upon the living conditions of neighbouring occupiers is not engaged.

Conditions

9. Any planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A is subject to the conditions in sections A.3 and A.4. This includes the requirement for the exterior materials to be similar to those used in the construction of the exterior of the existing dwellinghouse and that the development is carried out in accordance with the details and plans submitted as part of the application to the local planning authority. In my view, no further conditions are necessary.

Conclusion

10. The appeal scheme would, on the basis of the above, comply with the relevant provisions of the legislation under which it should be considered. For that reason, the appeal should be allowed.

J Smith

INSPECTOR