
Appeal Decision

Site visit made on 6 September 2016

by Amanda Blicq BSc (Hons) MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 October 2016

Appeal Ref: APP/Q4245/W/16/3149831

Land north west of Groby Road, Bowdon, Altrincham, Cheshire WA14 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JAM Properties Ltd against the decision of Trafford Borough Council.
 - The application Ref 85960/FUL/15, dated 19 June 2015, was refused by notice dated 17 November 2015.
 - The development proposed is erection of one detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In July 2016 the Council adopted the Devisdale Conservation Area Appraisal¹ (SPD) and Management Plan² (SPDa) and as such I have given weight to the guidance within these documents in my reasoning below.
3. The Council's reasons for refusal cite the effect of the proposed development on the character and appearance of the site with specific regard to the established site boundary and the proposed dwelling. For clarity I have retained these subdivisions in my reasoning.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the Devisdale Conservation Area (CA); and,
 - whether the development would satisfy the tests set out in local and national policy with regard to sustainable development.

Reasons

Site boundary

5. The appeal site is part of the former garden area of Hill Carr, a non-listed but nonetheless imposing C19 villa on the corner of Groby Road and St Margarets Road. Hill Carr has now been converted into apartments, and the appeal site,

¹ Trafford Council, Supplementary Planning Document SPD5.10

² Trafford Council, Supplementary Planning Document SPD5.10a

which is separated from the garden of Hill Carr by fencing, appears to be receiving little maintenance and has no vehicular access point. There are two C20 developments within the immediate vicinity of Hill Carr; Hill Carr Mews which is accessed from the main drive, and Coppice Lodge, whose vehicular access is on Groby Road some 20 metres from the development's proposed access. The site lies within the Northern Residential Character Zone of the CA.

6. The development would comprise the creation of a vehicular access on Groby Road and the construction of a partially underground two-storey dwelling. The lower storey would be below current ground level and the flat roof of the upper storey would be more or less level with the raised lawned area to the south of Hill Carr. The amenity space in front of the dwelling would also be largely below current ground levels.
7. The SPD notes that many of the dwellings within the CA are obscured from view and that the area is characterised by stone walls with planting on raised ground above; the SPD³ also states that the legacy of the Victorian planting schemes is crucial to the secluded and green nature of the CA. I noted on my visit that mature trees on property boundaries provide consistent enclosure along the roads in the area, as well as effective screening to a large proportion of the original period properties. As such, the distribution of mature trees throughout the CA makes a significant contribution to its character and appearance, and as the appeal site is a corner plot, its established trees are particularly prominent.
8. The evidence before me includes a plan with site trees shown⁴, but there is no indication that this shows Root Protection Areas (RPAs). Other plans indicate significant excavations would be required within a few metres of the established trees, including a reduction of between some 900 - 1400mm to form the main amenity area. The Bowdon Conservation Group raised a concern in relation to the impact of the proposed excavations on the boundary and street trees at application stage, and this concern has not been adequately addressed by the appellant.
9. My observations at the site visit led me to conclude that as the existing boundary trees are raised above street level, their roots are likely to be constrained on one side and have asymmetric RPAs, with roots extending well beyond the tree canopies into the appeal site. In the light of this I conclude there is insufficient evidence to demonstrate that the trees' roots would not be harmed by the development's excavations, or that adjacent excavation would not cause stability issues, both of which would result in harm to the future health and longevity of these trees. This would be to the material detriment of the character and appearance of the CA, as the characteristic enclosure and visual containment along the street would be lost. I give this considerable weight. I acknowledge that the tree works plan shows the position of protective fencing outside the canopies of the retained trees, but as the RPAs are not identified, this does not enable me to conclude that the trees would be protected. In any case, site fencing would not necessarily prevent building or excavation works within the exclusion zone, were they required. In addition, the fence would appear to afford little protection to the street tree located close to the proposed access.

³ Section 3.5

⁴ Dwg. No 3025/01\\

10. The evidence before me indicates that it is intended to reinforce the site boundaries with additional planting and I appreciate that further details of planting could be addressed through condition. However, the spacing, condition and age of the existing trees will affect further planting on this boundary and works to reinforce the boundary planting could affect the health of those existing trees. Furthermore, the appeal statement refers to trees 'defined worthy of retention', but it is unclear how these trees have been so defined. The statement also notes that landscape opportunities will be created in the north/west of the site to enhance the leafy character of the site, yet the positioning of the proposed dwelling close to the northern and western site boundaries and the proximity of Hill Carr and Coppice Lodge would restrict planting of any significant size. Overall, as noted above, there is insufficient information before me to conclude that the longevity and future health of the boundary trees has been adequately considered, or that the additional planting proposed would have the stated effect on the character and appearance of the site.
11. The development would also require the creation of an opening in the existing stone wall. Previous appeals⁵ for an access point only were dismissed, as the Inspector found that the loss of a section of wall would not be compensated for by views of built development within the plot. There is a dispute between the main parties in respect of whether the Inspector considered the creation of an opening would be more acceptable were there views of built development. My understanding is that the Inspector considered the lack of development within the site to be one determinative factor, and also referred to the Council's Planning Guidelines⁶ which indicate that opening up frontages should be avoided; similar guidelines are given in the SPD⁷.
12. However, SPD^a Policy 54 states that opportunities and proposals for the reuse of redundant sites should be looked on favourably, provided they respect the character and appearance of the CA. Whilst I give little weight to the appellant's argument that the development would tidy up an unkempt site, there is nothing in the evidence before me to suggest the site is likely to be restored to amenity space for Hill Carr in the foreseeable future. It also has limited access options. The main parties disagree as to whether an alternative access to the appeal site could be facilitated within the Hill Carr site, but I noted on my visit that the existing hardstanding within Hill Carr stops short of the appeal site boundary. The provision of an access at this point would involve construction in the vicinity of established trees, which as outlined above, is one of my main concerns in relation to the appeal before me.
13. Consequently, although I appreciate the guidance in relation to new access points, I noted on my visit that there is little consistency of the spacing or design of such access points in the vicinity of the appeal site. Furthermore, the evidence before me indicates that the opening would be less utilitarian than others nearby and further detail could be controlled by condition, were the appeal to be allowed. Accordingly, I am not persuaded that an additional access would necessarily cause significant harm to the character and appearance of the CA. In this case, I consider the merits of a new access point

⁵ APP/Q4245/A/13/2191489 & APP/Q4245/A/13/2191499

⁶ Planning Guidelines: The Downs, The Devisdale, Bowdon and Ashley Heath Conservation Areas

⁷ Section 3.6, Boundary Treatments

would be determined by the design of the development to which it afforded access and this is considered below.

14. With regard to the established soft landscape, I consider the development would not protect and enhance the natural environment of the borough as required by Policy R2 of the Local Plan⁸ (LP), or retain the mature trees as required by SPD Policy 23. Nor would the development take account of the surrounding landscapes and historic distinctiveness as required by LP Policy R1. LP Policy R3 refers to issues relating to the provision of Green Infrastructure which is not of direct relevance to the appeal before me. LP Policy L7 gives general design aims and is of less significance than the principal policies quoted, which are more specifically concerned with the landscape of the CA.
15. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area and Paragraph 133 of the National Planning Policy Framework (the Framework) states where a proposed development will lead to substantial harm to a designated heritage asset, local planning authorities should refuse consent. In this case, the importance of the boundary vegetation to the CA is such that were it to be lost or suffer significant damage, it would represent substantial harm. As such, with respect to the established trees, the development would be contrary to the provisions of the Act and the Framework as it would neither preserve nor enhance the character or appearance of the area.

Design of proposed dwelling

16. Hill Carr is identified in the SPD as a building contributing positively to the CA. The Council has raised concerns in respect of the development's contemporary design, its compatibility with the character and setting of the area and the subdivision of the plot. However, although the current status of the plot does not necessarily justify redevelopment, it appears subdivision has already occurred. Consequently, I give the argument of plot subdivision minor weight.
17. The floor level of the upper storey would be marginally lower than the footway on Groby Road, and the front elevation of this floor would be at least partially visible through the proposed access point and above the boundary bank, notwithstanding screening around and within the site. As such, there would be a visual juxtaposition of the colonnaded frontage and the upper portion of Hill Carr. However, the positioning of the proposed dwelling below Hill Carr and its flat roof, would ensure views from neighbouring dwellings would not be obstructed. Nor would existing views of the upper floor of Hill Carr from Groby or St Margarets Roads be affected, as Hill Carr is elevated and its lower floor is already largely screened by vegetation and fencing.
18. The dwelling's frontage would have a simple repeating series of stone arches forward of a glass façade. I am not persuaded that its scale, proportions or simplicity would be incongruous with or significantly detract from the complex detailing of the visible elements of Hill Carr above, particularly as the materials proposed would reflect those used on the older building. The two buildings would also be parallel, which would provide the illusion of a functional connection between Hill Carr and the development, particularly given the

⁸ Trafford Local Plan – Core Strategy January 2012

- latter's simple design, and its positioning in relation to the floor levels of Hill Carr could lead to it being read visually as a plinth or basement conversion.
19. Consequently, I consider the development's position and design restraint is of sufficient quality to make a positive contribution to the CA. The flat roof and the underground storey of the development would significantly minimise its effect on Hill Carr's setting. In addition, the positioning of the dwelling responds to the proximity of adjacent buildings, retaining some openness on the boundaries adjacent to the roads and allowing longer views of Hill Carr from outside the appeal site. The Council has also raised a concern in relation to the extent of hardstanding but I consider this proportionate to the site as well as the development's requirements for vehicular parking and manoeuvring, and a large area of the site would be retained as garden. In any case, its full extent would be hidden from the public domain.
20. With regard to the historic setting of Hill Carr, I appreciate that the development would encroach into the former setting of Hill Carr. However, the former extent of Hill Carr's gardens has been significantly reduced by other development, but the gardens to its front, which provide a setting for its imposing front elevation, would be unaffected. As such, I give some limited weight only to the harm to the setting of Hill Carr and were this the only concern, I would not consider it sufficient to warrant dismissal of the appeal. Furthermore, as I have found that the development to be of high quality and to contribute to the character and appearance of the CA, it follows that there would be no harm arising from views of the development from the proposed opening in the site boundary.
21. CS Policy L7.1 requires development to be appropriate to its context, make best use of opportunities to improve the character and quality of an area and enhance the street scene. I consider the design of the dwelling would be an appropriate response to the setting of Hill Carr and the wider CA. As such I do not find the development contrary to the provisions of CA Policy L7.1. Other clauses within that policy relate to vehicular access, the living conditions of occupiers of neighbouring property, accessibility and security, which are not raised as a concern in the reasons for refusal and are of no relevance here. Nor do I find conflict with Policy L1.10 with regard to the design of the dwelling. This policy states that where development proposals involve domestic gardens, due regard needs to be paid to local character, environment, amenity and conservation considerations.
22. CS Policy R1 is concerned with the historic environment and development within CAs, and requires applicants to demonstrate how the proposals will preserve or enhance the CA, in the light of relevant SPDs. These requirements are largely duplicated in Policy ENV21 of the Unitary Plan⁹ (UP). Whilst I appreciate that the development would increase density locally, the form of the development has been designed to appear ancillary to Hill Carr and as such it would have less impact on perceived density than a conventional dwelling. I also appreciate that the Council's Planning Guidance¹⁰ (PG) states that bungalows are not characteristic of the area; however, the development would not be a bungalow and as I have reasoned above, its unique design would be of high quality and would be compatible with the character and setting of the

⁹ Trafford Unitary Development Plan 2006

¹⁰ Trafford Council The Downs, The Devisdale, Bowdon, Ashley Heath

area. As such I find no conflict with the guidance in the PG, SPD, SPDa or policies CS Policy R1 and UP Policy ENV21.

23. I have outlined the requirements of Section 72 of the Act and Paragraph 133 of the Framework with regard to the soft landscape. With regard to the design of the dwelling, I find no conflict with the national policies noted above.

Sustainable development

24. CS Policy L1.10, as outlined above, refers to development in domestic gardens and I have found harm in relation to the effect of the development on the established trees, which are crucial to the secluded and green nature of the CA. As such, the development would fail to pay regard to the amenity and conservation of the CA, and would fail the test of CS Policy L1.10.
25. Paragraph 49 of the Framework requires housing development to be considered in the context of the presumption of sustainable development; Paragraph 7 of the Framework requires sustainability to be assessed in relation to economic, social and environmental factors. Although I recognise that there would be some, albeit limited, social and economic benefits to be afforded by the development, I have identified significant harm in relation to the established trees. On balance, I do not consider the benefits of the development would outweigh the harm I have identified in relation to the trees, and the character or appearance of the CA. Consequently, the development would be contrary to Paragraph 49 of the Framework in this respect, and would be unsustainable.
26. CS Policy L1.7 sets an indicative 20% target for new housing development on greenfield land, and the Council advises the current level of greenfield land take is 35%. However, the appeal site is small and its use for housing would have a minimal impact on the overall figures. Furthermore, whilst I appreciate it may fall outside the Altrincham Town centre boundary, it is nevertheless within a residential area and within easy walking distance of the town centre. I give this argument little weight.

Conclusion

27. Although I have found no significant harm in relation to the opening up of the frontage or the design of the proposed dwelling, my concern remains that the degree and extent of excavation would be likely to have an adverse effect on the established trees and that there is nothing within the evidence to demonstrate that this would not be the case, or that suggests appropriate mitigation. Given the importance of the trees in the CA, I give this considerable weight and such harm in this location would not be outweighed by the benefit to be afforded by one additional dwelling, whatever the merits of its design.
28. Consequently, for reasons given above and taking all matters into account, I conclude that the development would be contrary to the relevant policies of the Council's Local Plan and Core Strategy and that therefore the appeal should be dismissed.

Amanda Blicq

INSPECTOR