
Appeal Decision

Site visit made on 4 October 2016

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 01 November 2016

Appeal Ref: APP/Q4245/W/16/3154090

118 Park Road, Hale, Trafford, Cheshire WA15 9JR

- 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 Mr Stephen Elias against the decision of Trafford Borough Council.
 - The application Ref 87387/FUL/16, dated 22 December 2015, was refused by notice dated 11 March 2016.
 - The development proposed is demolition of existing house and build 2 No new build houses, with additional access off Hilltop Drive.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Additional bat surveys have been carried out subsequent to the refusal of the planning application. The Council have confirmed that as a result of these surveys the second reason for refusal no longer applies. Consequently, I do not address this issue in my reasoning below.
3. Both parties refer to the South Hale Conservation Area Appraisal Consultation Draft (CAA) and South Hale Conservation Area Management Plan Consultation Draft (Management Plan). I have not been provided with a copy of these documents by either party as part of this appeal. However, I have been provided with these documents by the Council in association with another appeal I am determining elsewhere in the Borough. As both parties are aware of these documents I consider no party would be prejudiced by this and I have dealt with the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the South Hale Conservation Area (SHCA).

Reasons

5. The appeal site is located on the junction of Park Road and Hill Top Drive and lies within the SHCA. There are a number of listed buildings on the opposite side of Park Road and one, The Old Farm, on the opposite side of the junction of Hill Top Drive with Park Road. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development
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which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The Council's Officer Report finds that the proposal would not unduly harm the settings of the listed buildings. I have no reason to dispute these findings.

6. The CAA and Management Plan have not been adopted and as such I give them limited weight. However, they are useful in so far as they provide the most up to date assessment of the special interest of the SHCA. In that regard, I have taken them into account. In particular, the CAA states that the special character derives from, amongst other things, the fine individual residences which are set in gardens characterised by a variety of mature trees and shrubs. It goes on to state that the low proportion of the gardens given over to hard standing and the space around the properties give South Hale its characteristic of spaciousness.¹
7. There is no overarching architectural style in the immediate vicinity of the appeal site. This part of Park Road and Hill Top Drive is made up of large dwellings which sit comfortably within substantial plots. The existing dwelling and The Old Farm are set well back from Park Road and both have extensive rear gardens extending along Hill Top Drive reinforcing the spaciousness of this part of SHCA.
8. 118 Park Road (No 118) is a large dwelling that has been extended and as such it fills the majority of the width of the plot. However, due to the extensive front and rear gardens it retains an attractively spacious and well landscaped appearance, with a number of mature trees within the garden and along both frontages contributing to its setting. The Council do not consider that the building is of sufficient merit in its own right to require its retention and so have no objection to its removal, subject to an appropriate replacement being provided. I consider the property's contribution to the SHCA to come largely from its spacious and verdant setting and therefore I see no reason to disagree with this stance.
9. The Council's Supplementary Planning Guidance *Planning Guidelines for the South Hale Conservation Area* (SPG) provides comprehensive guidance on the form of development which is considered appropriate within the SHCA. Although not part of the development plan I attach considerable weight to the guidance which still appears to be relevant based on what I saw of the SHCA. It includes maximum parameters for hard area coverage and building envelope which incorporate recommended distances to boundaries. The site is within Sub Area C as defined within this document and the guidelines advise that proposals within this area should provide a distance of 21 metres from the front boundary, 18 metres from the side boundaries (total on both sides), and 20 metres from the rear boundary.
10. Plot 1 would be sited considerably closer to Park Road than the existing dwelling. Even though the distance to that frontage meets the SPG guidelines the dwelling would also be considerably closer to Park Road than the building line established by the neighbouring houses of 116 and 116a Park Road and The Old Farm. The main entrance to Plot 1 would front Hill Top Drive but architecturally the building would also front Park Road. Consequently the building could also be considered to have two rear frontages. The distances to

¹ Section 3.3.1 of the CAA

both boundaries (west and south) are considerably less than the 20 metres suggested in the SPG and that of other properties in the immediate vicinity of the site.

11. In relation to the hard area coverage the proposal would increase the amount of hard area from approximately 8.7% to about 17% on the whole of the appeal site. In relation to the sub-divided plots Plot 1 would meet the guidelines in the SPG but Plot 2 would not. The two dwellings would be evident in the street scene of Hill Top Drive especially in the winter months when the landscaping is not in full leaf. Moreover, the proposal would remove some of the existing landscaping to form the access to Plot 2. Whilst I note that the Council have no objection to this, and that replacement formal landscaping forms an integral part of the proposed scheme, the removal of established planting would make Plot 2 more evident in the street scene.
12. The proposed dwellings would be similar in size and on similar sized plots to each other. However, the increase in hard area coverage and the size and siting of the dwellings would mean that there would be less visible space around and between the buildings as a result of the development. This would represent a departure from the established pattern development and it would significantly reduce the spaciousness of this part of Park Road and Hill Top Drive and the SHCA. Consequently, it would erode the character and appearance of SHCA.
13. I note the appellant's reference to the recent appeal decisions at Oakbank² and I saw that the site is under construction at my site visit. However, I have not been provided with the details of that scheme and in that case the Inspector stated that the SPG guidelines were broadly complied with. As such I do not consider that the circumstances of the cases are directly comparable and I give it limited weight. In any case, I am required to determine the appeal on its own merits.
14. I acknowledge that the architectural styles of the dwellings and the materials would be appropriate to the SHCA. The dwellings would include accommodation in their roofs but their overall heights would be similar to those of the adjacent dwellings. I consider that the proposed 2.5 storeys of both dwellings with the dormer/gable windows is reflective of other properties in the vicinity. I also note that the Council did not object to the proposal in relation to impact on the trees protected by a Tree Preservation Order or in relation to the residential amenity of the neighbouring occupiers. However, the lack of harm in these respects is a neutral consideration.
15. Therefore, taking all the above points into consideration, the proposed development would have a negative impact on the character and appearance of the SHCA. Thus, it would fail to preserve or enhance the character or appearance of the SHCA and the significance of the designated heritage asset would be harmed. Consequently, the proposal would not accord with Policies L7 and R1 of the Trafford Local Plan: Core Strategy which, amongst other things, require development to be appropriate in its context and require developers to demonstrate how the proposed development will preserve or enhance the conservation area. The proposal would also conflict with the guidance in the SPG.

² APP/Q4245/E/12/2170822 and APP/Q4245/A/12/2170831

16. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect in accordance with S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
17. In the language of the National Planning Policy Framework (Framework), the harm the proposal would cause to the significance of the SHCA would be less than substantial on the basis that the development would harm only part of the significance. However, a finding of less than substantial harm should not be equated with a less than substantial planning objection.
18. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The economic and social benefits arising from the occupation and construction works of the dwellings and the energy efficiency of the dwellings can be treated as public benefits. However, these benefits would be insufficient to outweigh the harm to the SHCA. I reach that conclusion not least because similar benefits could be secured by a proposal that did not have the harmful impacts identified.

Conclusion

19. There is no dispute between the parties that the Council cannot demonstrate a 5 year housing land supply. However, the Framework (paragraph 49) is clear that housing applications should be considered in the context of the presumption in favour of sustainable development.
20. In terms of the three dimensions to sustainability set out in paragraph 7 of the Framework, the proposal would make a modest contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and community charge receipts. I acknowledge that there would be sustainability benefits associated with the proposal and the appellant has highlighted that the dwellings would be energy efficient. The provision of one additional dwelling would make a small contribution to housing supply in an area with an identified shortfall.
21. I have found that the proposal would result in less than substantial harm to the character and appearance of the SHCA that is not outweighed by the public benefits of the scheme. As such it would conflict with the development plan and would not accord with the environmental dimension of sustainable development. When assessed against the Framework taken as a whole that harm would significantly and demonstrably outweigh the overall benefits associated with the proposal.
22. Given that the 3 roles of sustainability are mutually dependent and should not be undertaken in isolation, I conclude that the proposal would not comprise sustainable development for which the Framework indicates there is a presumption in favour.
23. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR