

Appeal Decision

Site visit made on 31 October 2016

by Gareth Wildgoose BSc (Hons) MSc MRTPI

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

Decision date: 18th November 2016

Appeal Ref: APP/Q4245/D/16/3154730

81 Stamford Road, Bowdon, Trafford WA14 2JJ

- 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 Simon Lomas against the decision of Trafford Borough Council.
 - The application Ref 87800/HHA/16, dated 23 February 2016, was refused by notice dated 27 April 2016.
 - The development proposed is described as "replacement of the existing post and gates".
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Decision

1. The appeal is allowed and planning permission is granted for posts and gates at 81 Stamford Road, Bowdon, Trafford WA14 2JJ in accordance with the terms of the application, Ref 87800/HHA/16, dated 23 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BW1-00447751 (Location plan), 1127/07/15 Rev C.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 1127/07/15 Rev C.

Preliminary Matters

2. The Bowdon Conservation Area - Supplementary Planning Document - Conservation Area Appraisal (SPD5.9), and the Bowdon Conservation Area - Supplementary Planning Document - Conservation Area Management Plan (SPD5.9a), were both adopted in July 2016 after the decision was made. The parties have had an opportunity to comment on the relevance of the adoption of these documents to their case.
 3. The Council's officer report makes reference to plan no. 1127/07/15 Rev B having been submitted with the application. However, it is evident that revised plan no. 1127/07/15 Rev C is dated 17 March 2016 which was before the Council made its decision. The Council have provided a copy of both plans as part of its evidence. The difference between the plans is the addition of gate construction details within plan no. 1127/07/15 Rev C which is a minor alteration to the plan originally submitted. I shall therefore deal with this appeal on the basis of the revised plan no. 1127/07/15 Rev C, rather than plan no. 1127/07/15 Rev B.
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4. At the time of my visit, a set of gate posts and gates were in-situ. Based on my observations and the evidence before me, the existing gate posts and gates are different from the appeal proposal. In the interest of certainty, I therefore confirm that my determination of the appeal is based on the plan previously stated and not on the works as constructed.
5. The description of development provided by the application form refers to replacement of post and gates. However, the evidence before me indicates that the posts and gates that are in-situ do not have planning permission and are unauthorised. In such circumstances, I have necessarily omitted reference to 'replacement' from the description in my decision in the interest of certainty relating to the development dealt with as part of this appeal.

Main Issue

6. The main issue is the effect on the character and appearance of the host building and Bowdon Conservation Area.

Reasons

7. The appeal site is located on Stamford Road, a dual width highway with pavements to either side, and is within Bowdon Conservation Area. The Conservation Area includes a historic and commercial core characterised by larger buildings of varying architectural styles, including St. Mary's Church and Churchyard and commercial buildings, together with large areas of open space. The residential areas which surrounding the historic core include the early Victorian expansion along Stamford Road towards the eastern section of the Conservation Area.
8. Stamford Road gently rises from east to west, with distinctive differences in character on the section between the junctions of Hollywood and Heald Road that surrounds the appeal site. Higher density development is located on its northern side, with a contrast of larger, spacious plots with more substantial landscape screening on its southern side. To the west beyond Heald Road, a mix of high density development and large, spacious plots for buildings with substantial boundary screening and gated entrances are evident to both sides of Stamford Road.
9. The northern side of Stamford Road where the appeal site is located is characterised by buildings of 2 or 3 storeys in height with a predominance of terraced rows and semi-detached pairs that display variety in terms of scale, architectural style and materials. This variety is particularly evident in the contrast between the scale of the terraced row within which the appeal property is located and the modest height and proportions of the Grade II listed semi-detached cottages at Nos. 75 and 77. Front boundary treatments in the immediate surroundings consist of a range of low stone or brick walls and fences, together with supplementary hedges, including a predominance of enclosed frontages and some open driveways.
10. The appeal property is located in the centre of a terraced row of 4 properties of 3 storey height that have distinctive first floor entrances to living accommodation located above garages. The visual effect is the appearance of elevated two storey dwellings of a more considerable height and scale than the adjoining terrace to the east and Nos. 75 and 77 to the west. The appeal property accentuates this contrast and provides balance to the terraced row

through the inclusion of a front gable feature with accommodation in the roof space.

11. The terraced row has a broad consistency of unenclosed driveways to the garages, which currently are only interrupted by the set of gate posts and gates that are in-situ at the appeal property. However, it is evident from the age of the properties, the boundary treatments in the immediate surroundings and evidence within SPD5.9 and SPD5.9a, that the widened accesses to accommodate driveways and garages would not have been an original feature.
12. The open driveways, hardstanding and associated parking of vehicles along the frontage of the terraced row, together with the associated absence of gateposts, interrupt the rhythm and verdant nature of enclosed front gardens. Front boundary treatments are otherwise characteristic of the western end of the terrace and Nos. 75 and 77, together with the adjoining terrace to the east and also predominate the wider setting. As such, I consider that the regularity of open driveways of the terraced row are not a feature that makes a positive contribution to the character and significance of Bowdon Conservation Area. Furthermore, there is no evidence before me that the property or those surrounding have had permitted development rights removed for gates, fences and walls to the front of the appeal property. I therefore, take into account that there may be a fallback position of an alternative means of enclosure along the terrace that would not require planning permission.
13. The appeal proposal would introduce round head stone gate posts to either side of the driveway enclosing timber gates approaching 1.4m in height and therefore, would be higher than any potential fallback position offered by permitted development rights. Nevertheless, the height of the gates would be below the 1.5m height specified in the guidance within Policy 25 of SPD5.9a.
14. With regard to the above, the gates would be proportionate to the gate posts and have been designed to imitate the traditional appearance of gates within the Conservation Area, including open top panels with vertical dowels in the upper section, as well as in-filled bottom panels. The height and design of the gates would only partially screen the existing hardstanding and views of the existing garage door. Consequently, the proposal would not detract from views of the upper floors of the host property and the wider terrace that define its character and offer a positive contribution to the significance of Bowdon Conservation Area.
15. In terms of the wider setting, due to the gentle increase in land levels from east to west along Stamford Road, the height of the posts and gate would assist the transition of the scale of landscaping and existing front boundary treatments at either end of the terrace. Consequently, I am satisfied that the posts and gates would assimilate with, and not detract from, the character and appearance of Bowdon Conservation Area and the setting of the nearby Grade II listed buildings at Nos. 75 and 77.
16. In reaching the above findings, I have taken into account that a black paint finish would draw attention to the gates. However, the variation in height and materials of boundary treatments and landscaping in the immediate surroundings would ensure that the gates would not be viewed as unduly prominent. Furthermore, a black paint finish to the gates would complement the colour of the existing garage door, railings and window detailing of the upper floors of the appeal property. I therefore consider that the colour of the

gates would not detract from the character and appearance of the host property or the significance of Bowdon Conservation Area. In reaching this view, I also observed the precedent of existing black painted gates further to west, including along the front boundary of No 69.

17. Paragraph 131 of the National Planning Policy Framework (the Framework) requires that account be taken of the desirability of sustaining and enhancing the significance of heritage assets, and of new development making a positive contribution to local character and distinctiveness. The Framework also states at paragraph 132 that when considering the impact of a proposal on the significance of a designated heritage asset, such as a conservation area or the setting of a listed building, great weight should be given to the asset's conservation. Having had regard to those policy tests, and to the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 that requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area, I am satisfied that no harm would be caused, and that those interests would be preserved.
18. I conclude that the development would not harm the character and appearance of the host building, and consequently would preserve the character and appearance of Bowdon Conservation Area. The development would not, therefore, conflict with Policies L7 and R1 of the Trafford Local Plan: Core Strategy, adopted January 2012, together with the associated guidance in SPD5.9 and SPD5.9a. When considered together the policies seek to ensure new development is of design quality appropriate to its context which makes best use of opportunities to improve the character and quality of an area, whilst preserving or enhancing the significance of the historic environment, including conservation areas. The policies are consistent with the Framework.

Conditions

19. I have included conditions suggested by the Council in terms of the standard time limit of the permission and plans compliance in the interest of certainty in terms of the development for which permission is granted. A condition relating to the external surfaces of the development is also necessary to ensure consistency with those indicated on the approved plans.

Conclusion

20. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework as a whole. Accordingly, the appeal should be allowed and planning permission granted.

Gareth Wildgoose

INSPECTOR