

Appeal Decision

Site visit made on 4 January 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 2nd February 2017

Appeal Ref: APP/U4230/W/16/3159968

The Spinney, 482 Walkden Road, Worsley, Salford, M28 2WH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr P Plowright against the decision of Salford City Council.
 - The application Ref 15/67521/OUT, dated 22 December 2015, was refused by notice dated 28 July 2016 and issued on 4 August 2016.
 - The development proposed is an outline application with all matters reserved for the demolition of the existing property and erection of up to 5 detached properties together with car parking and access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development given above has been taken from the appeal form. This reflects an alternative wording agreed between the Council and the appellant during the application process.
3. The application is in outline with all matters reserved for future consideration. A drawing showing an indicative layout was submitted with the application, and I have had regard to this in determining the appeal.

Main Issues

4. The main issues are the effect of the development on:
 - (a) The character and appearance of the area;
 - (b) The setting of the St Mark's Conservation Area; and
 - (c) The setting of the locally listed No 206 Walkden Road and St Mark's Vicarage.

Reasons

Character and appearance

5. The appeal site is currently occupied by a large detached property that is set within a spacious plot. The surrounding area contains a mix of modern and historic properties, and is characterised by detached houses interspersed with mature tree cover.
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6. The appeal site comprises a generous plot that is significantly larger than those located to the north and east. It contains a number of mature trees, and is subject to a provisional Tree Preservation Order (TPO). Whilst the trees are generally located around the edge of the site they would still have the effect of reducing the area that could be developed. In addition, the site is relatively narrow in shape. In this context, it is not clear how 5 properties could be developed that would be in keeping with the pattern of development in the area. An indicative layout has been provided by the appellant that shows 5 dwellings within the site. However, this layout would likely require the removal of a number of trees, and would result in unduly small rear gardens to some properties. It would also result in significantly smaller plots than those located to the north and east. Whilst I accept that this layout is indicative, and not necessarily reflective of any final scheme, there is no persuasive evidence before me to demonstrate that the site could reasonably accommodate 5 detached dwellings.
7. The description was amended during the application process to refer to 'up to 5 dwellings'. However, this would still establish the principle of 5 dwellings on the site. Based on the information before me, and taking account of the sensitivities of the site, I am not satisfied that this could be achieved in a way which would be harmonious with the character and appearance of the area.
8. Based on the available evidence, I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to Policies DES 1 and H 1 of the Salford Unitary Development Plan (UDP) (2006), insofar as they relate to character and appearance. It would also be at odds with guidance in the National Planning Policy Framework (the Framework) that seeks to ensure good design.

Setting of the conservation area

9. The appeal site is located in close proximity to the northern edge of the St Mark's Conservation Area. This comprises the Grade I listed St Mark's Church, its grounds and vicarage, and a public house and hotel to the south of the A572. An important feature of the conservation area is that it is heavily wooded.
10. The part of the conservation area closest to the appeal site comprises the wooded grounds to St Mark's Church. It has a separate character to the residential areas to the north and is dominated by mature tree cover. With the exception of the vicarage, it is non-residential in character. The southern boundary of the appeal site is lined with mature trees, and these contribute to the setting of the conservation area, and its sylvan character.
11. As set out above, the site is subject to a provisional group TPO. Whilst layout and design are reserved matters, the trees that contribute to the setting of the conservation area are located along the southern boundary of the site. They could therefore be retained as part of the development and this could be secured at reserved matters stage. Moreover, as the site boundaries comprise mature trees and planting, the development would not affect views into or out of the conservation area.
12. For the above reasons, I conclude that the development would not harm the setting of the St Mark's Conservation Area. It would therefore be in accordance with Policies DES 1 and H 1 of the Salford UDP (2006), insofar as

they relate to conservation areas. It would also accord with guidance in the Framework relating to designated heritage assets and their settings.

13. The Council also assert conflict with Policy CH 3 of the Salford UDP. However, this policy applies to development within conservation areas only. As the appeal site is outside the conservation area, Policy CH 3 does not apply in this case. For the same reason, it is not subject to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Setting of locally listed buildings

14. The appeal site is located in close proximity to 2 locally listed buildings. These are No 206 Walkden Road, located opposite, and St Mark's Vicarage which is within the nearby conservation area.
15. No 206 Walkden Road is a former lodge to Worsley Old Hall, and is located on the opposite side of Walkden Road. The development would be viewed together with this building in some views, although there would be an element of visual separation provided by Walkden Road, which is a busy main road. Subject to the retention of the existing boundary planting along the frontage, and sensitive design along the Walkden Road frontage at reserved matters stage, the development would not harm the setting of this property.
16. St Mark's Vicarage is an attractive residence associated with the Grade I listed St Mark's Church. It is set within a heavily wooded area and views between the Vicarage and the appeal site are therefore restricted. Subject to the retention of the trees along the southern boundary of the site at reserved matters stage, there would be no harm to the setting of this building.
17. For these reasons, I conclude that the development would not harm the settings of the locally listed No 206 Walkden Road and St Mark's Vicarage. It would therefore be in accordance with Policies DES 1 and H 1 of the Salford UDP (2006), insofar as they relate to locally listed buildings. It would also accord with guidance in the Framework relating to non-designated heritage assets and their settings.

Other Matters

18. The development would not be of a sufficient size to significantly increase traffic and congestion in the area. There is also no evidence before me that it would prejudice highway safety. In this regard, I note that the Highway Authority did not object to the development on these grounds. Access is also a reserved matter, and detailed arrangements could be agreed at that stage.
19. I do not consider that a development of this size would have a significant effect on local air quality. In this regard, I note that the Council's Environmental Consultant has stated that the Air Quality Management Area designation is not regarded as a constraint to development in this case.
20. Whilst the existing house is a reasonably attractive building, it is not locally listed, and its loss would not unduly harm the character and appearance of the area.
21. The positioning and orientation of the dwellings would be determined at reserved matters stage. The effect of the development on the privacy of neighbouring occupiers, and any loss of light, could be addressed at that stage.

22. The proposal was reported to the Council's Planning and Transportation Regulatory Panel with an officer recommendation for approval. The Council is not bound to accept the recommendations of officers. It has produced clear and specific reasons for refusal and I have shared its view that, in respect of character and appearance, the proposal would be unacceptable.

Conclusion

23. For the reasons set out above, I conclude that the development would unacceptably harm the character and appearance of the area contrary to development plan policies which are consistent with the Framework. Whilst there would be a positive benefit in terms of the provision of new housing in a relatively sustainable location, and no harm to the setting of the St Mark's Conservation Area or nearby locally listed buildings, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR