

Appeal Decision

Site visit made on 21 February 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/Q4245/W/16/3163421
201 Urmston Lane, Trafford, Stretford M32 9EF

- 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 Mrs Judith Barnes against the decision of Trafford Borough Council.
 - The application Ref 88426/FUL/16, dated 11 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the Erection of self-contained dwelling with associated access & landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (i) the living conditions of the occupants of surrounding properties, with regards to noise and disturbance; and (ii) the character and appearance of the area.

Reasons

Planning Policy

3. The Council recognise that for decision making purposes they cannot currently identify a five-year supply of deliverable housing sites. As a result, as set out in paragraph 49 of the National Planning Policy Framework (the Framework) this means that any relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
 4. In refusing planning permission, the Council has cited Policies L1, L2 and L7 of the Trafford Local Plan: Core Strategy (Core Strategy). I consider that Policy L7 is generally consistent with the Framework, so I attach it full weight for decision-making purposes. However the weight to be attached to Policies L1 and L2 is in my view a limited one. Aspects of these policies are broadly consistent with the Framework, in terms of local character, living conditions and the aspiration to create sustainable communities. Even so, they were drawn up before the Framework and the scale of new housing is based on figures from the revoked Regional Spatial Strategy.
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The Site

5. The appeal site is part of the garden of 201 Urmston Lane which falls away steeply from the semi-detached dwelling that faces Urmston Lane to 201a Urmston Lane which is a two storey detached dwelling that is located at the end of the long linear rear garden. This dwelling is a separate and distinct entity from No 201¹. The area to the south side of Urmston Lane, between Peterwood Gardens and Meadow Bank Court, is characterised by large semi-detached properties from the Victorian or Edwardian periods, that are set back from Urmston Lane and are situated within large linear grounds which contribute to the a spacious and open character. The appeal site would be accessed using the existing drive that extends along the eastern boundary of the site between 199 and 201 Urmston Lane.

Living conditions

6. Vehicular and pedestrian movements associated with Nos 201 and 201a are already occurring to the front, side and rear of No 201. These dwellings are, compared to the 2014 appeal decision², now independent of each other and as such the movements associated with No 201a are no longer connected to No 201. Furthermore, I understand No 201a have recently obtained planning permission to extend the property to form a four bedroom family home³. I also note that No 201 has received approval for a change of use to form seven self-contained flats⁴, however it is unclear whether this has yet been implemented.
7. The proposed new dwelling would increase the number of dwellinghouses on the site. This would therefore lead to an increase in the level of vehicular and pedestrian movements arising to and from the site. Compared to the front of the site adjacent to Urmston Lane, the side and rear part of the site would be more sensitive to change due to their quiet, secluded environment. Given the proximity of Nos 199 and 201 to the access, and their windows, I consider that the occupants of these properties would suffer from an unacceptable level of noise and disturbance from passing vehicular and pedestrian movements which could occur at any time of day.
8. It is suggested by the appellant that the increase would not be material, given the changes since the previous appeal decision. However, even though it is indicated that future occupants of the flats in No 201 would use the garden to the rear of that property, the proposed plans confirm that the access to the side and rear of No 201, would only be used by the proposed dwelling and No 201a. Consequently vehicular and pedestrian movements related to No 201 would be primarily focussed at the front, albeit I do recognise pedestrian movements would occur in the rear garden. Turning now to No 201a, I appreciate the extension would lead to the formation of a four bedroom dwelling. But, the level of general activity and movement associated with an extended family home is very different to the introduction of a new independent dwelling that would further increase the number of unconnected vehicular and pedestrian movements along the access. As such, I do not concur with the appellant that the proposal would not have a material effect on the living conditions of occupants of adjacent properties.

¹ Council Ref: 86242/CPE/15

² Appeal Decision Ref: APP/Q4245/A/13/2208015

³ Council Ref: 86760/HHA/15

⁴ Council Ref: 86753/COU/15

9. Permitted development rights enable homeowners to carry out a range of development that is ancillary to their home, which could include the formation of areas of hardstanding and garages as well as altering the occupancy of the home. However, I do not have any details of any schemes to take into account to suggest that a fallback is actually available and lawful.
10. I also acknowledge that the large rear parking area and access to the adjacent hotel potentially creates a different activity profile compared to a dwelling, which would lead to noise and disturbance for nearby residents. This access and parking is however situated some distance from Nos 199 and 201 and the driveway that extends in-between them. At present the access is only used by Nos 201 and 201a. Consequently, the location and close proximity of the driveway to Nos 199 and 201 would have an adverse effect on the living conditions of their occupants, even though I acknowledge the proposal is likely to generate less activity when compared to the hotel.
11. For these reasons, I conclude on this issue that the proposed development would have a detrimental effect on the living conditions of the occupants of surrounding properties, with regards to noise and disturbance. The proposal would therefore conflict with Policy L7 of the Core Strategy which seeks, amongst other things to ensure development does not prejudice the amenities of the occupants of adjacent properties by reason of noise and/or disturbance.

Character and appearance

12. The proposed dwelling would be sited in-between Nos 201 and 201a. It would therefore subdivide the site into three, despite its careful siting which also makes best use of the falling levels. This would be out of sync with nearby plots between Peterwood Gardens and Meadow Bank Court which have retained their long linear rear gardens which are not sub-divided. The proposal would therefore be out of keeping with the established character pattern of development. It would result in an intensification of the built form and the number of independent dwellings on the site, even though I recognise that No 201a lies at the rear of the site. However this was originally a garage which was ancillary to No 201. Although the circumstances of this particular building have changed since, the appeal scheme would be located in the middle of the site whereas No 201a is position at the far end and on a significantly lower level. The particular circumstances of each are thus very different.
13. I appreciate that the site is not designated, but the low density form of development is a particular characteristic that makes up the immediate areas distinctiveness. This would be fundamentally altered by the proposal, despite the sufficient spacing and amenity space for each property.
14. I appreciate the change may not readily be seen from Urmston Lane, however the gap afforded by the access in-between Nos 199 and 201 would allow for glimpses of the proposal and in particular its rising roof plane. This would, even with its careful siting, be very noticeable. While, I acknowledge the proposal would be sub-ordinate to No 201 and it could appear as an outbuilding, the significant fall in the land levels together with its presence in the central part of the site mean that its scale, massing and design would not assimilate successfully into the spacious character and appearance of the site and of those plots which neighbour it. The effect of this from public vantage points would, even if there are only glimpses, be adverse.

15. While fences could be erected to the rear of No 201, I consider this to be an unlikely situation given that the side boundaries are currently characterised by hedgerows. Similarly landscaping runs across the bulk of the site's width adjacent to the existing garage. Although, I note the Council's concerns, they have suggested a condition removing permitted rights for buildings and other structures including walls and fences. Given landscaping could be used, this would alleviate the potential for the character of the area to be eroded and ensure the Council would have a say on whether potential walls and fences would be acceptable in terms of the character and appearance of the site.
16. However, further domestic paraphernalia would inevitably arise. Even though Nos 201 and 201a can already create such paraphernalia, the proposal would increase this. The dwelling would not, as per No 201a be able to rely upon a double garage. Despite the appellant's suggestion to restrict this by using a planning condition, such a condition would not be precise or enforceable.
17. Even though the proposal would be in the urban area which may contain a variety of building styles and uses, it may not affect existing trees or result in the wholesale loss of the lawn, these matters do not outweigh my concerns in respect of the proposed development and the environment within which it would be situated. While my attention has been drawn to developments at Meadow Bank Court, Peterwood Gardens, Manor Court, Cheshire Close and Anchorage Road, I have no details of these schemes before me and I note that the policy context may have since changed.
18. I therefore conclude that proposal would be harmful to the character and appearance of the area and conflict would arise with Core Strategy Policies L1, L2 and L7. These policies, together seek, amongst other things, development to have regard to the local character so that it be appropriate to its context.

Planning Balance

19. Despite my findings on the two main issues, paragraph 14 of the Framework is engaged given the Council's position on the five-year supply of deliverable housing sites. It explains that for decision-taking this means: approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or where specific policies in the Framework indicate development should be restricted.
20. With regard to the economic role of sustainable development a limited weight is attached to the benefits such as the efficient use of land, construction jobs and consequential spending in the local economy by future occupants due to the scale of the contribution.
21. Insofar as the social role, a very limited weight is attached to the contribution the proposal would make to the borough's housing supply, notwithstanding the current position. A moderate weight is attached to the site's accessible location in the urban area and its close proximity to the town centre. A neutral weight is attached to the scheme's compliance with the consideration of neighbours' privacy, given that this is an objective of policy. However a significant adverse weight is attached to matters of character and appearance and living conditions

of neighbouring occupants. I consider that this would also traverse into the environmental role.

22. In terms of the environmental role, neutral weights are afforded to the historic environment, drainage and biodiversity. Similarly a neutral weight is afforded to the scheme's potential compliance with building regulations in terms of its energy efficiency. However there would be a significant adverse effect on the built environment which stems from both main issues.

Other Matter

23. I have had regard to the appellant's concerns regarding the Council's lack of feedback, guidance or understanding. However, these matters do not alter or outweigh my findings on the proposal that I have judged on its merits.

Conclusion

24. As I set out earlier in this decision, bullet point four of paragraph 14 of the Framework applies. Although the proposal would fulfil the economic role of sustainable development, I do not consider that it would fulfil the social or environmental role of sustainable development. I acknowledge the proposal creates a tension between the roles. Still, the significant adverse weight that I consider applicable to matters in the social and environmental roles leads me to conclude that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits which would arise from the proposal, when assessed against the policies in the Framework taken as a whole. The proposal does not therefore represent a sustainable form of development.

25. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR