
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/16/3163317
36 Harboro Road, Sale M33 5AH

- 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 Iain Mills against the decision of Trafford Borough Council.
 - The application Ref 88875/FUL/16, dated 7 July 2016, was refused by notice dated 7 October 2016.
 - The development proposed is the Conversion of existing dwelling into two dwellings, demolition of existing garage, erection of 3 detached dwellings, construction of access road and landscaping of site.
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Decision

1. The appeal is allowed and planning permission is granted for the Conversion of existing dwelling into two dwellings, demolition of existing garage, erection of 3 detached dwellings, construction of access road and landscaping of site at 36 Harboro Road, Sale M33 5AH in accordance with the terms of the application, Ref 88875/FUL/16, dated 7 July 2016, subject to the conditions found in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the area; and (ii) the living conditions of future occupants of the proposed dwellings, with regards to outlook and privacy.

Reasons

Planning Policy

3. The Council accept for decision making purposes that they are unable to identify a five-year supply of deliverable housing sites. Thus, 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. In refusing planning permission the Council cited Policy L7 of the Trafford Local Plan: Core Strategy (Core Strategy). Given this is, in terms of the matters in dispute, generally consistent with the Framework, I attach this policy full weight.

Character and Appearance

4. The appeal site currently consists of a detached dwellinghouse fronting Harboro Road which is set within spacious grounds. The property is a mixture of two
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- and three storey in height. Locally properties display a wide variety of age, style, design, layout and spacing. This is due to the mixture of detached dwellings, flats and residential care homes on the tree lined Harboro Road.
5. A large rear garden roughly extends 35 metres from the rear elevation of the dwelling. It abuts neighbouring properties either side of the site which are 34 Harboro Road "Stockdales" and 1-10 St Leonard's Court. The built form at Stockdales is set away from the appeal site's south eastern boundary, but it extends along the vast majority of the site's depth and contains window openings at ground and first floors. The development at St Leonard's Court is split into a two distinct parts. The first comprises of Nos 1 to 8 which is positioned adjacent to the front part of the appeal site, while Nos 9 and 10 are positioned side onto the rear part of the site.
 6. The proposed three detached dwellings would be sited in a line along the rear part of the site. As a result they would largely infill the site to the rear, leaving relatively small gaps between each dwelling and to the flank boundaries. But, the garden of the appeal site is considerably larger than those in the vicinity. Added to this, development locally is not universally set in spacious surrounds, with a number of properties being either close to or on the boundary. Each new detached dwelling would retain spacing to its rear and to the rear elevation of the existing dwelling. Even though a series of two storey dwellings would introduce extra built form above that of a typical single storey construction, I do not consider that the proposal would unduly affect the spaciousness of the site or its surroundings given the variance found locally.
 7. Views through to the rear part of the site would remain, due to the gaps either side of the existing dwelling. The view from the east would become slightly more prevalent due to the vehicular access and the adjacent parking bays. However, the new dwellings would be set back away from Harboro Road, which would lessen their prominence, compared to development that fronts the road.
 8. Extra landscaping would, in addition to the street trees, soften the built form. Although I understand the Council's concerns that the parking layout may not allow for more landscaping, I consider that an appropriate balance would be achieved between additional development and soft landscaping which is part of the established character and appearance of the area. Therefore, subject to a planning condition, even though I acknowledge the three new dwellings would erode part of this large garden, I do not consider that the proposal would result in a cramped or squeezed form of development. Thus, the proposal would not be an overdevelopment of the site which would harm the visual appearance and character of Harboro Road. Moreover, I do not consider that the parking bays are an unreasonable distance away from future occupants' homes.
 9. I therefore conclude, on this issue, that the proposed development would comply with Core Strategy Policy L7, the Council's New Residential Development Planning Guidelines (PG1) and paragraphs 58 and 64 of the Framework. Collectively, these seek, amongst other things, to ensure development is sympathetic to the character of the area so that it maintains or enhances the local distinctiveness of the borough.

Living Conditions

10. Rear facing windows in the ground and first floors of the existing dwelling and ground and first floor windows in the front elevations of the proposed three

new dwellings would directly face one another, albeit all at slightly different angles. Thus, the future occupants in each of the dwellings would be able to view one another, along with the proposed rear gardens to the rear of the existing dwelling.

11. PG1 sets out that *"for new two storey dwellings (houses or flats) in cases where special provisions for creating internal and external privacy are not employed, the minimum distance between dwellings which have major facing windows is 21 metres across public highways and 27 metres across private gardens."* It also explains that *"Private rear garden areas should not be closely overlooked. Distances to rear garden boundaries from main windows should be at least 10.5 m for 2 storey houses and 13.5 m for 2 storey flats or houses or flats with 3 or more storeys."*
12. The appeal scheme would fulfil neither distance. However, I recognise, in line with the parties that the distances set out in PG1 are guidelines figures. Indeed I also note that PG1 sets out the Council's approach which recognises *"that a rigid adherence to spacing standards can stifle creativity in design and result in uniformity of development. The Council is looking to encourage imaginative design solutions and in doing so it accepts the need for a flexible approach to privacy distances between buildings within a development site, where good design or the particular circumstances of the site allow this."*
13. The proposed 1.8 metre high brick wall would wrap around the rear gardens of the dwellings at the front of the site. This would, together with the proposed landscaping, alleviate any potential privacy issues arising from the ground floor windows. Still I appreciate the first floor windows would create a different relationship due to their elevation. However, despite the considerable shortfall compared to PG1, the proposal would afford an interface of roughly 19.2 metres. This would be far greater than the interface distance I noted between the large openings in Nos 1 to 8 and Nos 9 and 10 which directly face each other. I do not therefore consider that the proposed layout would result in serious overlooking that would be harmful to the privacy and outlook of future occupants, even if the proposed landscaping is not permanently retained.
14. I therefore conclude that the proposed development would comply with Core Strategy Policy L7 and PG1; which seek to, amongst other things, ensure that development does not prejudice the living conditions of future occupants through overlooking.

Other Matters

15. Although the Council have suggested their concerns would be overcome if the dwelling on plot 1 was removed from the scheme, I have determined this appeal in accordance with the development plan, unless material considerations have indicated otherwise.
16. I appreciate the concerns raised by residents on Kings Road who have invested money into their properties, in terms of the effect of the proposed dwellings on their privacy and potential noise and disturbance. However, there would be considerable interface distances between the new dwellings and their homes. While the gardens would abut one another, I have no reason to believe that the proposal would result in an unacceptable loss of privacy.

17. Despite concerns in respect of additional vehicular traffic and the visibility of highway users, I do not consider that the proposal would severely affect the safety of all users of the highway network. I also appreciate that the new dwellings at the rear of the site would introduce built form into an area currently free of any. However, as the relationship between the dwelling in plot 1 and Nos 1 to 10 would not be uncommon to that found elsewhere on Harboro Road, I do not consider that the scheme would cause an unacceptable loss of privacy or result in overshadowing.

Conclusion and Conditions

18. I have had regard to the conditions suggested by the Council in the event of the appeal being allowed. I have imposed a condition specifying the approved plans as this provides certainty. This condition also would control the use of materials and existing and finished site levels. As a consequence, I have not imposed additional conditions for these as they would duplicate matters.
19. To ensure the development harmonises with the character and appearance of the area, I have imposed conditions to secure details of landscaping and boundary treatment. I have also imposed a condition regarding the vehicular access and car parking, so that the site can be accessed safely on foot and by private vehicle before the dwellings are first occupied. A condition to remove permitted development rights for rear extensions and dormer windows is necessary due to the relationship and distance between each property. Given the proposed increase in development on the site, I have imposed conditions regarding drainage and to control the discharge of waters from the site.
20. Given my findings on both main issues, the Council's current position in respect of its five-year housing supply has not been a decisive factor in the outcome of this appeal. Nevertheless the proposal would, as the Council accept, contribute towards the borough's supply. Therefore, for the reasons set out above, I conclude that the appeal should succeed.

Andrew McGlone

INSPECTOR

SCHEUDLE OF 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: 721-PA-01; 721-PA-02 (Rev A) and 721-PA-03.
- 3) No development shall take place unless and until full details of works to limit the proposed peak discharge rate of storm water from the development to meet the requirements of the Council's level 2 Hybrid Strategic Flood Risk Assessment (SFRA) have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such works as approved are implemented in full and they shall be retained and maintained so they are capable of limiting the peak discharge rate as set out in the SFRA thereafter.
- 4) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 5) a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities), existing plants / trees to be retained and a scheme for the timing / phasing of implementation works.
 - (b) The landscaping works shall be carried out in accordance with the approved scheme for timing / phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
 - (c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

- 6) No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls have been submitted to and approved in writing by the Local Planning Authority and the approved of boundaries, screens or retaining walls have been erected in accordance with the approved details. The approved of boundaries, screens or retaining walls shall thereafter be retained.
- 7) The car parking and other vehicular access arrangements shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first occupied and they shall be retained thereafter for their intended purpose.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification): (i) no first floor/two storey rear extension shall be carried out to the dwellings; and (ii) no dormer windows shall be added to the dwellings, other than those expressly authorised by this permission, unless planning permission for such development has been granted by the Local Planning Authority.