
Appeal Decision

Site visit made on 26 April 2017

by Keith Manning BSc (Hons) BTP MRTPI

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

Decision date: 5 May 2017

Appeal Ref: APP/Q4245/W/17/3168310

Robin Hood Beds, 134 Barton Road, Manchester M32 9AE

- 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 Hartland against the decision of Trafford Borough Council.
 - The application Ref 89055/FUL/16, dated 29 July 2016, was refused by notice dated 19 December 2016.
 - The development proposed is demolition of existing retail/office building and erection of new building to provide four two-bedroom care accommodation units along with upgrading of existing building to provide communal facilities/office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of occupiers of Nos. 136 and 138 Barton Road with regard to outlook, light and privacy.

Reasons

3. Amongst other things the proposed development would introduce, in place of a commercial workshop or storage building, what would effectively be a three storey block of four dwellings in close proximity to the rear of Nos. 136 and 138 Barton Road, a principal thoroughfare in the area.
4. These residential properties, which front onto Barton Road, currently stand apart from the premises associated with the furniture retailing operation within the same ownership. Both have small patio areas for outdoor amenity to the rear and that at No 138, which also has ground floor habitable space facing and opening onto the patio via the rear elevation, would be closest to the block of dwellings proposed to front a landscaped strip between the new block, the existing properties and the parking area on the north side of No 138.
5. I acknowledge that the existing residents of Nos. 136 and 138 have raised no objection to the proposal subject to appeal but place limited weight on that as relevant standards are intended to protect the living conditions of all potential occupiers of property and not just current occupiers who may, for whatever reason, not perceive a problem such that they would raise formal objection.

6. A core principle of the National Planning Policy Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. For that reason, I place limited weight also on the appellant's contention that the Council's supplementary guidance PG1 is of limited relevance to accommodation with care and is diminished in effect by its temporal relationship to the more recently adopted Core Strategy which superseded the Unitary Development Plan which was its original context. It seems to me that the principle of safeguarding residential amenity is both timeless and pertinent to all forms of residential accommodation. That perception is borne out in any event by the core principle I have referred to. Policy L7 of the current Core Strategy is clear, moreover, that development *"must...not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way."*
7. The proximity of the facing windows to the rear habitable space and outdoor amenity areas of the existing properties falls so far short of the Council's guidelines, as detailed in the officer's report, as to stretch the concept of applying guidelines flexibly beyond what might credibly be regarded as sensible interpretation. The privacy of the existing occupiers would in my estimation be very seriously compromised by the proposal.
8. Revising the internal layout of the proposed new residential accommodation might, potentially, overcome this problem, but no such details are before me such that I could consider whether a condition to that effect would be appropriate. In any event, revising the internal could not overcome the overbearing presence of the building itself in the outlook from No 138 in particular, including its patio area. Occupants would also be substantially deprived of light and morning sunlight. All these effects would be to the significant detriment of the living conditions currently enjoyed by occupants of both existing residential properties, contrary to the intentions of national policy and the development plan.
9. I have taken all other matters raised into account but no material considerations sufficient to outweigh the substantially harmful conflict with the intentions of the development plan or indeed the National planning Policy Framework in respect of residential amenity have been identified. I therefore conclude that the appeal should be dismissed.

Keith Manning

Inspector