The Planning Inspectorate

Appeal Decision

Site visit made on 27 June 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 20th July 2017

Appeal Ref: APP/Q4245/W/17/3171536
Bollindale, South Road, Hale Barns, WA14 3HT

- 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 Heejae Chae against the decision of Trafford Borough Council.
- The application Ref 88965/HHA/16, dated 18 July 2016, was refused by notice dated 10 November 2016.
- The development proposed is retention of existing gateway and access.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the development would preserve or enhance the character or appearance of the Ashley Heath Conservation Area.

Reasons

3. The appeal property is located at the southern end of the Ashley Heath Conservation Area. The significance of the Conservation Area derives from the way it reflects the area's development for residential use during the Victorian and Edwardian periods. The presence of large detached properties in substantial grounds also charts the influx of an upper and middle class population into the area. Many properties retain a high level of historic architectural detail and original features.

4. Low sandstone walls run along both sides of this part of South Road at the back edge of the footway. These are traditional in character and are generally topped by mature hedges, planting, or metal railings. They are an attractive feature that provides a sense of enclosure along the road. In this regard, the Conservation Area Appraisal notes at paragraph 6.1.2 that *"low stone boundary walls, with hedges and shrubs planted above and behind are a characteristic of the local area, including the Conservation Area"*. Whilst there is no regimented pattern of openings, the properties along this section of South Road only have one vehicular entrance per dwelling. This has resulted in a low density of openings with long sweeping sections of boundary walls topped with planting along the street.

5. At the time of my site visit, the new access[1] and gateposts had been installed and I was therefore able to view both entrances in situ. The presence of two large vehicular entrances in the frontage has created an uncharacteristic density of openings in this part of the street. It has also interrupted the traditional boundary wall and planting, diminishing the sense of enclosure that is characteristic of this part of the Conservation Area. The fact that only a relatively small proportion of the front boundary has been removed does not alter my view in this regard. I consider that the creation of 2 entrances in the frontage of Bollindale has eroded the established character of the conservation area in this location.

6. Whilst each case must be treated on its individual merits, I appreciate the Council's concern that approval of this proposal could be used in support of similar schemes in the conservation area. Allowing this appeal would make it more difficult to resist planning applications for the creation of new openings in traditional walls. Any cumulative effect would exacerbate the harm associated with the proposal.

7. The appellant states that the existing gateway has value as a heritage asset by virtue of its design and location. However, this opening no longer provides views of the original dwelling, which has now been demolished. Moreover, the lack of a regimented pattern of openings along the street is the reason the Council considered a re-sited access to be acceptable. In these circumstances, I consider that any benefit derived from the retention of the existing gateway would be outweighed by the harm I have identified above.

8. The Ashley Heath Conservation Area Management Plan (2016) identifies *"the removal of and/or alterations to historic boundary walls, gate posts and/or gate openings"* as harmful development. In this regard, I consider that Policies 18 and 33 of that document are of relevance to the current appeal proposal. Whilst the development does not involve the creation of a new access, it would undermine condition 6 attached to permission 84266/FUL/14 that requires that this entrance be closed off. Allowing the appeal would therefore effectively result in the loss of a section of the traditional boundary wall.

9. The appellant asserts that part of the wall could be removed under permitted development rights. However, the current appeal proposal does not constitute permitted development, and condition 6 attached to permission 84266/FUL/2014 requires that this existing opening be closed off.

10. The Council state that the failure to reference Policy R1: Historic Environment of the Trafford Core Strategy (2012) in the reason for applying condition 6 to permission 84266/FUL/2014 was an error. I see no reason to doubt this explanation.

11. For the above reasons, I conclude that the development would fail to preserve the character and appearance of the conservation area. This harm would be less than substantial when considered against paragraphs 132 – 134 of the National Planning Policy Framework ('the Framework'). Set against this, the appellant states that the proposal would improve highway safety in allowing vehicles to enter and exit the property in forward gear, and with greater visibility of pedestrians and oncoming traffic. However, the appeal property is located on a quiet residential street, and the ability to egress in forward gear is

[1] consented under permission ref 84266/FUL/14

therefore not essential for safety. There also appears to be some scope to extend the arrival court towards the boundary wall in the vicinity of the 'old' entrance which would make manoeuvring easier for vehicles leaving the parking area. This alternative would have a lesser impact on the character and appearance of the conservation area. Accordingly, and given my findings above, I consider that the public benefits do not outweigh the harm to the conservation area in this case.

12. I conclude that the development would be contrary to Policies R1 and L7 of the Trafford Core Strategy (2012), and guidance contained in the Ashley Heath Conservation Area Management Plan (2016). These policies and guidance seek, amongst other things, to ensure that new development is appropriate in its context and takes account of historic distinctiveness. It would also be at odds with guidance in the Framework relating to designated heritage assets.

13. Separately, the Council's Decision Notice refers to Policy L5 of the Trafford Core Strategy, which relates to climate change. However, it is not clear how the development would be contrary to this policy.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR