



Appeal Decision

Site visit made on 7 January 2020

by Louise Nurser BA (Hons) Dip UP MRTPI

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

Decision date: 28 January 2020

**Appeal Ref: APP/Q4245/W/19/3236465
6-10 Victoria Road, Hale WA15 9AF**

- 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 Marco Valbon Sejdiu against the decision of Trafford Borough Council.
 - The application Reference 97046/FUL/19, dated 4 March 2019, was refused by notice dated 9 August 2019.
 - The development proposed is to maintain the A3 Restaurant use of the site and extend the ground floor area to encapsulate the existing outdoor terrace currently covered by canvas parasols. The proposed extension is 55 sqm, sitting within the parameters of the existing terrace area. The appearance of the building is designed so that it is in keeping with the conservation area. The roof will be a glazed, retractable system. Windows and doors will be timber framed to match the existing building. External wall finishes will be white painted render formed onto an insulated lightweight wall.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. It is no part of the Council's case that the grade II listed buildings at Hale Station, which lie opposite the appeal site would be affected by the proposed development. I agree with this approach. In addition, I am aware of the detailed planning history of the site.
3. I have been referred to a number of saved policies within the Unitary Development Plan 2006. However, I have been referred to later policies within the Core Strategy which I consider more relevant.

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character or appearance of the host property and Hale Station Conservation Area.

Reasons

5. The Council accepts that Policy R1 Trafford Core Strategy 2012 (CS) does not strictly accord with the provisions of the Framework. Therefore, I have determined the appeal on the basis of the policies of the Framework relating to the conserving and enhancing of the historic environment. Specifically, whether

- any harm to, or loss of, the significance of a designated heritage asset would take place.
6. Hale Station Conservation Area (CA) is a Victorian suburban area made up of a linear retail core, the railway buildings themselves, and the generous suburban housing which is for the most part broadly contemporary with the commuter rail station. I have been referred to both the Hale Station Conservation Appraisal and Management Plan 2016. However, whilst both these Supplementary Planning Documents provide useful guidance, they are not development plan policies.
 7. The retail and railway element of the CA is busy and commercial in nature and there is a clear delineation between this and the spacious, quiet streets of suburban housing, including Lisson Grove, which lie directly off the retail core.
 8. The proposed development is on the corner of Lisson Grove and Victoria Road.
 9. The host property, a substantial former semidetached villa, is identified as a landmark building and 'positive contributor' within the CA appraisal. The historic ground floor extension to the front of the property, which extends to link the former bank, yoghurt shop and restaurant, reads as a coherent whole. This is particularly the case when walking past the mixture of shops and restaurants and cafes and viewed from the north and from the railway station.
 10. The detailing and form of the proposed extension has been designed to match the existing ground floor front elevation. I do not consider that any harm would ensue from the loss of the historic references to the former residential use by building over the ground floor openings on the side elevation. However, its position, protruding from the gable end of the converted former residential property to the edge of the pavement of Lisson Grove, would appear bulky and incongruous, adversely altering the balance of the building whose commercial face is to Victoria Road and adversely impacting on the spacious residential character of Lisson Grove.
 11. When viewed from the commercial core of the CA, it would be seen as an incongruous addition to the side of the restaurant. In addition, notwithstanding that the original dwarf stone boundary wall would be retained, even if it were possible to successfully train evergreen plants to screen the white rendered blank wall, the bulk of the extension close to the pavement would appear at odds with the spacious suburban streetscape of Lisson Grove where houses are set back from the road behind front gardens.
 12. I note that the proposed ground floor extension to the side of the property would sit on the foot print of a patio area. This, together with the surrounding timber fencing benefits from planning permission, although, it is generally agreed, this does not positively contribute to the visual quality of the area.
 13. My attention has been drawn to the 'jumbrellas' which currently provide shelter to those sitting out on the patio area, and which were fully extended at the time of my site visit. It is a matter of dispute between the parties as to whether they benefit from any form of consent. However, even if they did, there is a substantial difference in the relative impact on the appearance of a building, and the wider area, of the proposed solid permanent extension on the one hand, and on the other, a timber fence and large canvas umbrellas, which appear, in comparison, to be more temporary structures.

14. Consequently, the proposed development would be contrary to Policy L7 of the (CS) 2012, whose design principles generally accord with the objectives of the Framework and therefore I accord it substantial weight.
15. In addition, I conclude that the proposed development would neither preserve or enhance the character or appearance of the host property and the Hale Station Conservation Area.
16. Given the harm that I have identified above, I conclude that the appeal proposal would result in less than substantial harm to the Conservation Area. Therefore, I must weigh this harm against the public benefits of the proposal including, where appropriate its optimum viable use.
17. Subject to the imposition of a condition controlling when the open roof was to be closed, the proposed development would provide a means to manage noise and disturbance to local residents from patrons eating, drinking and talking on the patio area. However, I am not convinced that there are not other management options open to the Council to ensure that undue disturbance does not take place. Therefore, I accord this public benefit limited weight.
18. I have been made aware of the challenging market conditions that the restaurant sector is experiencing, and that the addition of further covers would be commercially expedient. I have also been made aware of the high regard in which the appellant's restaurant business is held. However, there is no substantive evidence that the economic viability of the specific business is dependent on the extension, and even if it were, that other restaurateurs or other businesses would be unable to trade successfully from the appeal site in a manner consistent with Policy W2, of the Trafford Core Strategy which supports town centre uses. Therefore, I do not consider this to weigh in favour of the proposed development.
19. I have been provided with a number of examples of corner properties in commercial properties with more than one active frontage. However, the appeal proposal does not include an active frontage. Moreover, none of the examples cited include significant extensions.
20. I have also been referred to how other applications have been determined within the CA. However, none of these are directly comparable to the appeal proposal, and in any case, I must consider each individual scheme on its own merits.
21. I also note that procedural concerns have been raised.
22. In coming to this conclusion, I am aware of the representations that have been made in support of the proposal, including by the local Civic Society. However, the limited public benefits of the proposed development are not such as to outweigh the less than substantial harm to the Conservation Area that I have found.

Conclusion

23. Therefore, for the reasons set out above, I dismiss the appeal.

L. Nurser

INSPECTOR