



Appeal Decision

Site visit made on 12 February 2020

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/Q4245/W/19/3242282

31 Belmont Road, Sale, Manchester M33 6HY

- 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 James Jackson against the decision of Trafford Borough Council.
 - The application Ref 98504/COU/19, dated 6 August 2019, was refused by notice dated 20 November 2019.
 - The development proposed is a retrospective application for change of use of land to private garden and relocation of existing fence.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to private garden and relocation of existing fence at 31 Belmont Road, Sale, Manchester M33 6HY in accordance with the terms of the application, Ref 98504/COU/19, dated 6 August 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Fence) and Block Plan (proposed extension of private garden into amenity land shown by cross hatching).

Procedural Matter

2. The Council have described the development as a 'retrospective application for change of use of land to private garden and relocation of existing fence'. The Appellant has not adopted this description but has provided a lengthy description of the proposal which amounts to the same purpose as described by the Council. With the exception of the need to refer to the (partially) retrospective nature of the proposal, I consider that the Councils revised description provides for a much more concise description of the proposal before me. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site is located on the north side of Belmont Road which is a residential street which includes a mixture of semi-detached and terraced properties. To the south side of the Belmont Road properties (and to the rear of the Abbey Road properties) there is a well defined rear accessway with several

routes to/from both streets and this is a clear characteristic of this type of housing.

5. However, in contrast to the properties on the south side of Belmont Road, the rear accesses on the north side of the road are significantly less well defined with properties at the western end of the road not having access to their gardens via a rear accessway at all. There is also a varying width of the rear accessway along the totality of the blocks of terraced properties particularly to the east of the appeal site.
6. The Council outline that they are concerned that the moving of the fence line would harm the spaciousness and local character of the area through the loss of the original layout. Concern is also raised over the appearance of the fence and possible future domestic buildings such as garden sheds.
7. The development would clearly result in some change to the visual appearance of the area, largely as a result of the narrowing of the side accessway. However, given that the northern side of Belmont Road does not display the same characteristic rear accessway than the south side the narrowing of the gap to the side accessway would not have an adverse impact on the overall character and appearance of the area.
8. This is particularly the case as the fence line (and front facing gate) would be set well back from the street frontage. Furthermore, from my site visit, I also saw that between the groups of terraced properties there were some which had a narrower gap (such as between Nos 39 and 41) which had front facing garden gates between them. Whilst the relationship between these properties and between Nos 31 and 33 is clearly different, it does nevertheless provide instances of such front facing garden gates to the side of the properties.
9. In respect of the extension of the garden into the rear section of the accessway, I saw that this would not be too dissimilar to what has already occurred to the rear of the properties to the east. Whilst the Council have no records of planning permission being sought for these garden extensions, there is no evidence to suggest that these have not been like that for a considerable period of time.
10. Turning to the design/materials of the fence, the Councils revised description describes the proposal as the relocation of the existing fence. I take that to mean that the fence which previously existed has been moved out so that additional land has been included within the rear garden to the appeal property. To that end the visual appearance of the fencing would be largely unchanged.
11. Taking all of the above into account, whilst I consider that the development would not explicitly improve the character and quality of the area (or the streetscene), it would nevertheless not result in any harm either. Whilst I acknowledge that Policy L7 of the Trafford Local Plan – Core Strategy (2012) (CS) seeks that in relation to design matters development must make the best opportunities to improve the character and quality of the area (and the streetscene), I find that equally the development would not result in any harm and therefore any inconsistency with Policy L7 is not fatal to the acceptability of the proposal.

12. For the above reasons the proposal would not harm the character and appearance of the area and would accord with Policy L7 of the CS which amongst other matters seeks to ensure that development is appropriate to its context and compatible with the surrounding area. It would also accord with the overarching aims of the National Planning Policy Framework.

Other matters

13. I have also had regard to the matters raised in the representations received and in particular legal rights over the land, emergency vehicle access and possible future development to other properties. As noted in the Council officers report, matters relating to the legal access over the land is a private matter and the granting of planning permission would not change any legal access rights. I also agree that there would be sufficient emergency vehicle access to all of the surrounding properties. Finally, in respect of future development proposals, these must be assessed on their individual merits should such a proposal come forward. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Conditions

14. The Council have provided a suggested list of conditions should I be minded to allow the appeal. I agree that a condition relating to the approved plans should be imposed.
15. Whilst the proposal does not include any elevation detail of the relocated fence, given that it is moving the existing fence outwards I consider that further details of the boundary treatment is not necessary. Furthermore, from the evidence before me, any new or replacement fencing would be unlikely to need planning permission provided that it was less than 2 metres in height.

Conclusion

16. Taking all matters into consideration, I conclude that the appeal should be allowed.

Chris Forrett

INSPECTOR