



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/19/3242090

Land to side of 2 Linden Avenue, Altrincham, Cheshire WA15 8HA

- 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 Patrick Oates against the decision of Trafford Borough Council.
 - The application Ref 97083/FUL/19, dated 10 April 2019, was refused by notice dated 5 June 2019.
 - The development proposed is the demolition of garages and workshop. Construction of a two bedroom dwelling with integral car-port.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reference has been made to an amended proposal which would remove the third floor and would result in a one-bedroomed dwelling. However, the Council determined the proposal on the basis of a two bedroomed, three storey, dwelling and this is what the majority of the Appellants appeal statement is based upon. I am also conscious that the appeal process should not be used to evolve a scheme¹. Taking the above into account, I consider that the appeal should be determined on the basis of the plans considered by the Council.
3. The Council have referred to their Planning Guidelines – New Residential Development (2004) (PG). From the evidence before me it is unclear whether this has been the subject of public consultation and as such this limits the weight I can attach to it. Nevertheless, I have taken it into consideration in the determination of this appeal.

Main Issues

4. The main issues are:
 - (i) the effect of the development on character and appearance of the area; and
 - (ii) the effect of the development on the living conditions of the occupiers of 2 Linden Avenue, 31 and 33 Woodlands Road with particular regard to privacy, outlook and light; and

¹ Annex M Paragraph M.2.1 of the Procedural Guide : Planning Appeals - England

- (iii) whether the proposal would provide suitable living conditions for the future occupiers of the development with particular regard to outdoor amenity space.

Reasons

Character and appearance

5. The appeal site is located on the east side of Linden Avenue adjacent to 2 Linden Avenue and to the north of 31 Woodlands Road. The properties in Linden Avenue and those on the north side of Woodlands Road consist of a mixture of semi-detached and terraced properties from around the turn of the 20th Century. Opposite the appeal site is an open area, to the south of which is Woodlands Road which is elevated owing to the nearby bridge over the railway/tramlines.
6. The appeal site itself currently contains a triple concrete sectional garage which is set broadly in line with the main front wall of No 2. As such, they appear as a subservient feature.
7. The appeal development consists of a modern three storey dwelling which would be set forward of the established building line along Linden Avenue. It would also be irregular in shape with a flat roof.
8. To my mind, the development would have a very significant detrimental impact on the streetscene and the wider area as a result of its design which is in complete contrast to the prevailing character of the existing street. This is particularly the case as the third floor would be formed with a flat roof and would appear bulky when compared to the pitched roofs of the surrounding dwellings. Whilst the use of zinc cladding helps to reduce the impact of the third floor, this does not overcome the harm resulting from its bulk.
9. Furthermore, the harm of the overall development is exacerbated by its siting forward of the existing established building line on the street. This makes the proposed dwelling even more prominent.
10. In coming to the above views, I accept that new development should not necessarily be a pastiche of the existing built form. However, in this case, the proposal bears little resemblance or linkage to the existing character of the area and would stand out as an incongruous building in the streetscene.
11. I am also conscious that the building would also cover a large proportion of the plot itself with only a small area between the front of the building and Linden Avenue being open. In my opinion, this gives the impression of a development which is being squeezed into what is a limited space. This concern only adds to my overall view that the proposal is harmful to the character and appearance of the area.
12. The Appellant has set out that increases in density will not be able to be achieved if development is tied to a replication of the existing surroundings. Whilst I agree with the principle of this view, it does not justify harmful development.
13. For the above reasons the development would give rise to significant harm to the character and appearance of the area and would conflict with Policies L2 and L7 of the Trafford Local Plan – Core Strategy (2012) (CS) which amongst

other matters seek to seeks that in relation to design matters development must make the best opportunities to improve the character and quality of the area. They also indicate that development should be appropriate to its context so that it is not harmful to the character of the immediately surrounding area and be on a site of sufficient size to accommodate adequately all the necessary ancillary facilities. It would also be at odds with the design aims of the National Planning Policy Framework (the Framework).

Living conditions – occupiers of existing properties

14. The appeal development features a first-floor terraced area to the road frontage, immediately adjacent to No 2. From my site visit I saw that it was possible to look into the ground floor front room of No 2 from the street, which is only to be expected given the relationship between that dwelling and the street itself. However, views to the first floor were somewhat more restricted.
15. The appeal development would introduce a first-floor balcony which would be much further forward than the front wall of No 2 and would be very close to the common boundary. As such, without any screening, views into the first-floor bedroom window would be readily possible and would be a significant intrusion to the privacy of the occupiers of No 2.
16. The Appellant has outlined that a privacy screen could be erected on the north side of the balcony to prevent such overlooking. However, the plans and appeal documentation do not show a screen which would prevent the overlooking potential, as this is a relatively low balustrade. Furthermore, I consider that this is not a matter which could be dealt with by means of a suitably worded planning condition should I be minded to allow the appeal as the height of screen necessary to ensure that no overlooking could occur would exacerbate the harm I have already found to the streetscene. To that end, the proposal would result in an unacceptable loss of privacy to the occupiers of No 2.
17. Turning to the effect of the development on Nos 31 and 33 Woodlands Road, the Council concerns relates to outlook and light. The appeal development would be situated to the rear boundary of the site which is adjacent to the rear garden of No 33. Given that the proposed dwelling would be three stories in height and would be in such proximity to this garden area, it is clear to me that it would have an unacceptable overbearing impact to the occupiers of No 33 when they utilise their garden space.
18. Given the overall height of the proposed dwelling, and its location to the west of the garden area of No 33, it would also result in the loss of sunlight to varying parts of the garden area from lunchtime onwards. Whilst I consider that this is not a determinative factor on its own, it adds weight to the harm I have found to the living conditions of the occupiers of No 33.
19. As I understand it, the main garden area to No 31 is located to the side of the property fronting Linden Avenue. To my mind, the development would not have a significant impact on light to this garden area, nor to the property itself. In respect of outlook, there would still be clear views from this garden area in a westerly direction and as such I consider that any impact would not be so severe to warrant the withholding of planning permission.
20. The Council have also raised concern in respect of views from the rear windows of No 31. However, given the juxtaposition between No 31 and the appeal

development I consider that there would not be an unacceptable impact on outlook as a result of the proposal. However, that does not outweigh the harm I have already identified.

21. For the above reasons the development would have an unacceptable impact on the privacy of the occupiers of 2 Linden Avenue, and an unacceptable impact on outlook and light for the occupiers of 33 Woodlands Road when they utilise their gardens. The development would therefore be contrary to Policy L7 of the CS which amongst other matters seeks to ensure that new development does not prejudice the amenity of the occupants of adjacent properties by reason of overbearing, overshadowing, overlooking or visual intrusion. It would also be at odds with the design aims of the Framework.

Living conditions – future occupiers

22. The appeal proposal is for a two bedroomed dwelling which includes two double bedrooms. Given the size of the dwelling, it would be reasonable to conclude that there is a need for a suitably sized private amenity area.
23. The proposed dwelling would not provide any rear private amenity space but does include a front first floor balcony area which from the evidence before me would be less than 10 square metres in size.
24. The Councils PG does not set out the level of amenity space which would be expected for a dwelling of this size, although an area of 18 square metres per flat provides the most comparable guidance. However, the guidance also sets out that front or side gardens open to view from roads should not be included.
25. Given that the first-floor balcony area would be far from private owing to its location on the property frontage and in proximity to the street, I consider that this provision cannot be considered to be either sufficiently private or desirable. Furthermore, the size of the area is somewhat limited given that the proposal includes two double bedrooms. That is to say, the space would not be of a size to allow the future occupiers to carry out all the domestic activities one would normally expect for the size of the dwelling.
26. In coming to the above view, I acknowledge that there is an area of open space opposite the site, together with other open areas in the locality. However, these areas are not a substitute for an adequate private amenity space.
27. For the above reasons the development would not provide adequate living conditions for the future occupiers of the development as a result of the lack of private amenity space. As a consequence, the proposal is contrary to Policy L7 of the CS which amongst other matters seeks to ensure that the amenity of the future occupiers of the development is not prejudiced. It would also be at odds with the overarching design principles of the Framework.

Planning balance

28. The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date², permission should be granted unless any adverse impacts of doing so

² Footnote 7 includes situations where the local planning authority cannot demonstrate five year supply of deliverable housing sites.

- would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
29. The Appellant has set out that the Council cannot demonstrate a deliverable five-year supply of housing and indicated that the 'tilted balance' set out at paragraph 11d) of the Framework should apply. The Council have also acknowledged that they cannot demonstrate a deliverable five-year supply of housing and that the tilted balance should be applied and I have no reason to disagree with that view.
30. The Appellant has also drawn my attention to the new Greater Manchester Spatial Framework which sets out what the housing requirements for Trafford will be for the period from 2018 to 2037. However, from the evidence before me, this Development Plan has yet to be examined in public and as such I cannot give the draft policies within it in any significant weight. That said, it is widely acknowledged that there is an unmet demand for new housing.
31. In this case, I have found that the proposal would harm the character and appearance of the area, the living conditions of the occupiers of 2 Linden Avenue and 33 Woodlands Road, nor would it provide a suitable outdoor amenity space for the future occupants of the dwelling. All of these factors are in conflict with the relevant Development Plan policies and the Framework. To my mind, these factors weigh very heavily against allowing the proposed development.
32. The Appellant has outlined that the proposal would utilise a brownfield site which is in a sustainable location and would provide a much needed 2 bedroomed dwelling that would contribute to the Councils overall housing supply. These are clearly factors which weigh in favour of the development.
33. In addition to the above, the development would bring social benefits as a result of an additional dwelling and economic benefits from the construction process together with the ongoing occupation of the dwelling. However, these benefits are clearly limited.
34. I have also taken into account that the provision of an additional residential unit would be unlikely to have any significant effect in reducing the deficit to the housing land supply in the administrative area of Trafford.
35. Taking all of the above into account, I consider that the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

36. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR