



Appeal Decision

Site visit made on 10 August 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2020

Appeal Ref: APP/Q4245/W/20/3250863

9 Bow Green Road, Bowdon WA14 3LX

- 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 Dr Z Alvi against the decision of Trafford Borough Council.
 - The application Ref 96397/FUL/18, dated 7 December 2018, was refused by notice dated 11 October 2019.
 - The development proposed is the erection of a pair of semi-detached dwellings and the demolition of existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a pair of semi-detached dwellings and the demolition of existing dwelling at 9 Bow Green Road, Bowdon WA14 3LX in accordance with the terms of the application, Ref 96397/FUL/18, dated 7 December 2018, subject to the conditions listed at Annex A.

Preliminary Matters

2. The appellant was unable to submit all of the evidence to support their case by the required deadlines. However, in light of the unfortunate circumstances¹ that caused this, and exceptionally, I allowed them to submit limited additional information. The Council has commented on this additional information and I have considered both it, and their representations, in determining this appeal.

Main Issue

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

Reasons

Character and Appearance

4. The appeal site is located in a residential area containing substantial, detached dwellings of different designs, many of which contain large, mature trees in their gardens. The roadside boundaries of the dwellings are predominantly hedges, sometimes combined with walls or railings, and are complemented by grass highway verges containing trees. This gives the area a pleasant and verdant appearance.

¹ Concerning the effects of the Covid-19 coronavirus pandemic.

5. The site is situated at the northeastern corner of a crossroads, with Bow Green Road positioned on a roughly north/south axis in this area, and Stanhope Road on a roughly east/west axis. Bow Green Road has a gradual slope downwards from north to south as it passes the appeal site, whilst Stanhope Road has a generally level gradient in this vicinity.
6. The appeal site is an L-shaped plot, which faces onto both Stanhope Road and Bow Green Road and contains the original dwelling – 9 Bow Green Road – and its remaining curtilage. Two further plots of land face onto Stanhope Road adjacent to the appeal site and were previously part of the original dwelling's rectangular-shaped curtilage.
7. The Stanhope Road boundary is marked by a stone wall next to the footpath, with somewhat overgrown bushes and other vegetation to the rear. The Bow Green Road boundary is predominantly a hedge, interspersed with mature trees. There is also a grass verge containing some smaller-scale trees and a footpath separating the site from Bow Green Road.
8. The proposed development would entail the demolition of the original dwelling and the erection of a pair of semi-detached dwellings facing onto Stanhope Road, in the southern part of the appeal site. The proposed dwellings would be of a contemporary design, some 2.5-storeys high, with dormer windows and rooflights. There would be full height gables that project a short distance from the principal building line on the front (Stanhope Road) and rear elevations; similar projecting gables are also present on the west side (Bow Green Road) elevation.
9. The proposed dwellings would have separate vehicular accesses from Stanhope Road with off-street parking and would be set back from the southern and western boundaries of the site.
10. Various outline and full planning permissions for dwellings have been granted within the large rectangular curtilage of the original dwelling, at the northeastern corner of the crossroads.
11. From the planning history I am satisfied that the Council has no substantive objections to the provision of seven dwellings on this large rectangular plot, which comprises the appeal site and the two plots to its east on Stanhope Road. This would be in the form of two semi-detached dwellings facing onto Bow Green Road² on the northern part of the appeal site; four semi-detached dwellings facing onto Stanhope Road to the east³ of the proposed development; and, a detached dwelling at the corner of Bow Green Road and Stanhope Road⁴, the southern part of the appeal site where the appeal dwellings are proposed.
12. The planning permission for two semi-detached dwellings on the plot to the east of the proposed dwellings – LPA Ref. 90644/FUL/17 – was approved on 11 April 2017 and so, with the standard commencement condition specifying three years, has lapsed.
13. However, in light of the coronavirus pandemic and the impact this has had upon the development industry, the Government has temporarily modified the

² LPA Ref. 93111/FUL/17

³ LPA Refs. 90644/FUL/17 and 94928/FUL/18

⁴ LPA Ref. 96461/OUT/18

Town and Country Planning Act 1990 (the Act) to enable certain planning permissions which have lapsed, or are due to lapse during 2020, to be extended⁵.

14. Whilst the procedural details for such an extension have not been directly addressed by the parties in that case at present, there is nothing in the evidence that suggests that were they to be, an extension would not be forthcoming.
15. The contemporary design of the proposed dwellings would not be out of keeping with the character or appearance of the area, which contains a variety of different designs of dwelling. Whilst the majority of dwellings in this area are detached houses, three pairs of semi-detached homes have been granted planning permission within the large rectangular plot that formed the curtilage of the original dwelling.
16. The assorted features, such as projecting gables, balcony and large dormer windows that would be found on the proposed dwellings can also be found on other dwellings built or approved in the area. Whilst this does not necessarily make them acceptable here, in my view these features would be consistent with newly built, contemporary dwellings such as are proposed. Furthermore, there would be an acceptable level of elevational articulation in terms of materials and depth; the proposal would also address both Stanhope Road and Bow Green Road appropriately in terms of its design.
17. However, the scale, height, massing and position of the proposed dwellings would make them a highly prominent feature in the streetscene, which would be readily visible in views along both Stanhope Road and Bow Green Road, approaching the crossroads. The position of the proposal would also be significantly closer to the crossroads than the buildings on its northwest and southwest corners and would consequently detract from the sense of spaciousness that exists there.
18. The appellant has provided extensive evidence in relation to other dwellings/developments in the area to support their case, which the Council has responded to. When I visited the appeal site, I also walked around the area with reference to the locations identified by the appellant.
19. For various reasons, including location, scale and position within the plot, I am not satisfied that the examples referenced are sufficiently similar to the appeal proposal and its context to be relevant in this case. Consequently, I have determined the appeal proposal on its individual merits and have not given weight to these examples in my decision.
20. I note that the proposed semi-detached dwellings would be higher, wider and longer, and would thus have a greater massing than the previously approved detached dwelling located at the corner by the crossroads. They would be an appreciably denser form of development and would be visibly closer to the western boundary of the site than the previously approved dwelling⁶, as well as being somewhat closer to the southern boundary.
21. The resulting increased visual prominence in views along Stanhope Road would be limited, and I note that the pairs of semi-detached dwellings approved on

⁵ Through Section 17 of the Business and Planning Act 2020

⁶ LPA Ref. 96461/OUT/18

the plots to the east would be set back from the highway a similar distance to the appeal proposal.

22. However, in views along Bow Green Road the proposal would be considerably more noticeable. Whilst there is not a strong building line along the eastern side of the road near the crossroads, largely due to the separation distances between the dwellings, the proposal would project forwards of it, and significantly more so than the previously approved detached dwelling.
23. The greater visual impact of the appeal development would be mitigated to some extent by being seen in the context of other substantial dwellings nearby, in particular 9 Stanhope Road, opposite the appeal site. The six semi-detached dwellings approved within the curtilage of the original dwelling would, if constructed, also provide a visual context to the proposal.
24. Mature trees and hedges in the gardens adjacent to the crossroads, and on the grass verge on Bow Green Road by the appeal site, provide a presence that would similarly assuage the greater visual impact somewhat. A suitably worded landscaping condition to address boundary screening within the site could also be attached to any grant of planning permission, were the appeal to be allowed.
25. Nevertheless, none of this mitigation would overcome the harm that this greater visual impact would cause at this prominent corner location. The scale, height, massing and siting of the appeal proposal would be unduly prominent in the streetscene along Bow Green Road and would detract from the character and appearance of the area. It would therefore conflict with Policy L7 (Design) of the Trafford Local Plan - Core Strategy 2012 (TLPCS), and with the National Planning Policy Framework 2019 (the Framework), in this regard.

Five Year Housing Land Supply

26. The Council acknowledges that it cannot currently demonstrate a five year supply of deliverable housing land, with an appropriate buffer⁷. Consequently, the presumption in favour of sustainable development contained in the Framework is engaged⁸.
27. The proposed dwellings would be suitable for families and would be located in an established residential area, which the Council considers to be sustainably located close to public transport routes, schools and other community facilities. There is no compelling evidence that causes me to doubt the Council's assessment in this regard. I also concur that there would be some social and economic benefit from the demolition, construction and associated work, although this would be short-term. These are benefits of the scheme to which I give weight.
28. The Council references a number of policies contained in the TLPCS that are relevant to the appeal⁹. However, only Policy L7 has been provided by the Council. From the evidence I am satisfied the Council considers the proposal would accord with the development plan, other than with regard to Policy L7,

⁷ Paragraph 73 of the Framework.

⁸ Paragraph 11 d) of the Framework.

⁹ Policies L1 - Land for New Homes; L2 - Meeting Housing Needs; L4 - Sustainable Transport and Accessibility; L5 - Climate Change; L7 - Design; L8 - Planning Obligations; R2 - Natural Environment; and R3 Green Infrastructure.

and there is nothing before me that would cause me to disagree with this assessment.

29. There is no compelling evidence that the development plan policies are inconsistent with the Framework and so I give the remaining referenced policies weight. However, on balance, I consider that the divergence with Policy L7 means that the proposal would conflict with the development plan as a whole.
30. The appeal site is not subject to policies in the Framework that protect areas or assets of particular importance¹⁰.
31. The appeal development would deliver a net addition of one dwelling to Trafford, following the demolition of the original dwelling. The Council has not specified its current housing land supply, although I note that it has not disputed the appellant's statement that this is 2.5 years. This is considerably less than required and whilst the scale of development proposed is limited, I give some weight to the provision of an additional (net) dwelling.
32. The proposed development would be supported by parts of the Framework. In particular, policies to increase the supply of housing, promote healthy and safe communities, and to support the effective use of land and economic growth.
33. However, the harm to the character and appearance of the area means that there would also be conflict with Framework policies that seek to achieve well-designed places.
34. In my view, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would constitute sustainable development with regard to paragraph 11 d ii) of the Framework.
35. The proposal would conflict with the development plan as a whole. However, the presumption in favour of sustainable development is a material consideration which in this case, outweighs this limited conflict and means that the appeal should be determined otherwise than in accordance with the development plan. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is allowed and planning permission granted.

Other Matters

36. A significant number of third party representations have been made, both in support of and objecting to the proposal. I have addressed many of the issues raised in my reasons above, and deal with the remainder here.
37. I note the concerns raised regarding the effect of the proposed development on highway safety, including with respect to the proposed vehicular accesses on Stanhope Road, associated increased traffic flows and on-street parking.
38. Reference is made to vehicular crashes that are said to have occurred in the area in the past five years. From the very limited evidence before me, some of the crashes would seem to be caused by cars travelling along Stanhope Road failing to give way at the crossroads. A further crash took place on Bow Green

¹⁰ Footnote 6 of Paragraph 11 d i) of the Framework provides a complete and exhaustive list of such policies

Road in November 2019, although few details of the circumstances are provided.

39. The Local Highway Authority was consulted on the proposal and did not object. There is no substantive evidence before me that indicates that the proposal would be unsafe in terms of highway safety or would increase the likelihood of accidents occurring in the area.
40. I note the reference to a part of the Trafford Council Housing Strategy 2018-23. This document is not in the evidence before me and so I have not had regard to it.
41. The appeal site is outside of and not adjacent to the Devisdale Conservation Area (DCA) to the north. The scale and position of the proposal relative to the DCA means that it would not adversely affect its setting.
42. I agree with the Council that the proposed development would not result in harmful overlooking were appropriately worded conditions attached to any grant of planning permission. There is also no evidence that the scale of development proposed would cause harmful noise, light or air pollution, out of keeping with this residential area. Disturbance from demolition and construction works would be short-term and could be addressed by a suitably worded planning condition.
43. I note that neither the Lead Local Flood Authority, nor United Utilities objected to the proposal and that site drainage matters could also be controlled by way of a suitably worded planning condition.
44. There is no evidence that the scale of development proposed, in addition to that previously granted planning permission on nearby sites, would cause harmful levels of pollution or land instability. Furthermore, there is no evidence that the proposal would conflict with the development plan in terms of its impact upon Climate Change.
45. I note the various references to caselaw that are considered to be relevant to the determination of this appeal. I have had due regard to the matters raised and I am satisfied that my decision is consistent with relevant caselaw.
46. The effect of the proposal on house prices in the area is not a matter relevant to the determination of this appeal.
47. Finally, the appellant has made extensive final comments in response to the Council's Statement of Case and to third party representations, and which introduce some new evidence. These comments do not cause me to reach a different conclusion in relation to the effect of the proposal on the character and appearance of the area or the application of the tilted balance, as set out above.

Conditions and Conclusion

48. The Council has suggested a number of conditions be attached to any grant of planning permission, should the appeal be allowed, which I have considered in light of Government guidance and amended accordingly.
49. With regard to Section 100ZA (5) of the Act, the appellant has given their written agreement to the pre-commencement conditions attached to this decision.

50. In addition to the standard commencement condition, a condition specifying the approved drawings would be necessary for reasons of certainty, and to protect the character and appearance of the area.
51. A pre-commencement condition concerning the approval of a Construction and Environment Management Plan would be manifestly necessary for reasons of highway safety and to protect the living conditions of nearby occupiers.
52. Pre-commencement conditions concerning the approval of external material samples and cycle stores, would be manifestly necessary to protect the character and appearance of the area.
53. To protect the living conditions of future and nearby occupiers a pre-commencement condition requiring details of separate foul and surface water drainage systems to be approved would be manifestly necessary.
54. Further pre-commencement conditions concerning the submission and approval of a bat survey and the approval of tree protection measures would be manifestly necessary to protect any wild bats residing at the development site and any existing trees to be retained.
55. A condition requiring the approval of full details of the proposed landscaping of the appeal site, including boundary treatments, and its implementation, including timescales and replacements, would be necessary to protect the character and appearance of the area.
56. Conditions concerning the transparency / operation relative to the finished floor levels of the first floor windows on the eastern side of the eastern dwelling; and, the position relative to the finished floor levels of the roof windows on the eastern side of the eastern dwelling, would be necessary to protect the living conditions of nearby occupiers.
57. Conditions concerning off-street parking spaces and electric vehicle charging points would be necessary in the interests of highway safety, sustainable transport and the living conditions of future and nearby occupiers.
58. A condition prohibiting the clearance of any vegetation on the appeal site during bird nesting seasons would be necessary to avoid disturbance to wild birds.
59. However, a condition requiring the submission of a statement of design intent would not be necessary or reasonable in this case, given the approved drawings and the conditions attached to this approval.
60. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is allowed.

Andrew Parkin

INSPECTOR

Annex A – Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the details shown on the submitted plans: A1070(a)-A-G100-P-00 Rev A; [A1070(a)-A-G200] E-01 Rev A, E-02 Rev B, E-03 Rev B, E-04 Rev C, P-00 Rev B, P-01 Rev B, P-02 Rev B, P-03 Rev B, and P-05 Rev B.
3. No development shall take place, including any works of demolition and site preparation, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
 - i) Suitable hours of construction and pre-construction (including demolition) activity;
 - ii) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
 - iii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - iv) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
 - v) Information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
 - vi) The parking of vehicles of site operatives and visitors;
 - vii) Loading and unloading of plant and materials;
 - viii) Storage of plant and materials used in constructing the development;
 - ix) The erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - x) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
 - xi) Contact details of site manager to be advertised at the site in case of issues arising.

No fires shall be permitted on site during demolition and construction works. The development shall be implemented in accordance with the approved CEMP.

4. No above ground construction works shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.

5. No above ground works shall take place until drawings showing the details of the required 2-cycle store per dwelling, including their external appearance and location within the site, have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied unless and until the cycle stores have been provided in accordance with the approved details. The cycle stores shall be retained thereafter.
6. Prior to the development hereby approved commencing, details demonstrating how the site shall be separately drained of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development hereby permitted.
7. Demolition works shall not commence until a comprehensive bat report assessing the existing building's potential to support bats has been submitted to and approved in writing by the local planning authority. This report shall include a detailed method statement indicating how demolition works will be carried out to protect any bats found on site, if relevant. Development shall be carried out in accordance with the approved method statement.
8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS: 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" and in accordance with the approved Arboricultural report drafted by Murray Tree Consultancy, dated July 2019, reference PM/FULL/07/07/19. The fencing shall be retained throughout the period of construction and no activity prohibited by BS: 5837:2012 shall take place within such protective fencing during the construction period.
9. a) Notwithstanding the details shown on the approved drawings, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include existing hedges, bushes and trees that are to be retained; future planting, including size, species, location and numbers/densities proposed; site boundary treatments; materials for all hard surfaced areas; and, a scheme for the timing/phasing of implementation works.
(b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following first occupation of the development hereby permitted, whichever is the sooner.
(c) Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within five years of the planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Parts 1 and 2 (or any equivalent Order following the amendment, re-enactment or revocation thereof):

- No extensions shall be carried out to the dwellings;
- No garages or carports shall be erected within the curtilage of the dwellings;
- No other buildings, gates, walls, fences or other structures shall be erected within the curtilage of the dwellings other than those expressly authorised by this permission;
- No windows, including dormer windows, shall be added to the dwellings other than those expressly authorised by this permission.

11. Notwithstanding the details shown on the approved drawings, upon first installation:

- the first floor side facing windows in the easternmost dwelling's side (south-east) facing elevation, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening windows and textured glass which are obscure-glazed to no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter;
- the bottom edges of each approved roof light shall be a minimum of 1.7m above internal floor levels.

12. Notwithstanding the details shown on the approved drawings, full details of the parking spaces to be provided for each of the dwellings shall be submitted to and approved in writing by the local planning authority. The approved parking spaces shall be provided prior to the first occupation of the dwellings and shall be retained as such thereafter.

13. The development hereby approved shall not be occupied unless and until a scheme for the installation of electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be installed and made available for use prior to the development being brought into use and shall be retained thereafter.

14. No tree or vegetation clearance shall occur between 1 March and 31 July (inclusive) in any year unless a detailed bird nest survey, by a suitably experienced ecologist, has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which has been agreed in writing by the LPA.