



Appeal Decision

Site Visit made on 22 March 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 April 2021

Appeal Ref: APP/Q4245/W/20/3264350

Maybrook, 20 Broadway, Hale Barns WA15 0PG

- 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 Mrs Gillian Akka against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 100508/FUL/20, dated 3 April 2020, was refused by notice dated 18 November 2020.
 - The development proposed is 'erection of one dormer bungalow in the sub-divided rear garden of 20 Broadway, with associated private garden, car parking, boundary treatments and hard and soft landscaping, to be accessed via Broadway along an extended drive alongside 20 Broadway following the demolition of the single storey side garage, with consequential adjustments to / subdivision of the front and rear curtilage of the host property.'
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. During the determination of the planning application revised plans were submitted to the Council. The Council determined the application based on the amended proposal and I have assessed the proposal accordingly.

Main Issue

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

Reasons for the Recommendation

5. The area is characterised by individually designed detached dwellings, set back from the highway in spacious plots with large rear gardens. The host property reflects this character and is accessed via an in and out driveway.
6. The appeal proposal would be set in the rear garden of the host property and accessed via the existing drive. The resultant plot sizes, for both the host dwelling and the proposal would be significantly smaller than the surrounding dwellings, thereby eroding the spacious character of the area and reducing the quality of the residential environment for the neighbouring occupiers, in part due to the proximity to the site boundaries of the proposed dwelling. In

addition, the creation of a dwelling without an on-street frontage and the orientation of the proposal within the plot would introduce an alien feature into the area. Whilst not directly visible from Broadway the proposal would be glimpsed from vantage points along the highway which would harm the spacious character of the area.

7. I note that there are examples of development in rear gardens, one of which I saw on my site visit. However, the specific details of these cases are not before or the planning policy context in which planning permission was granted, and accordingly I am unable to assess whether they are directly comparable to the appeal proposal. In any event, I have considered this appeal on the site specific circumstances of this case and its planning merits.
8. I conclude therefore that the proposal would harm the character and appearance of the area, in conflict with Policies L1 and L7 of the Trafford Core Strategy which, amongst other things, seeks to ensure that due regard is given to local character and is appropriate in its context. It would also conflict with the guidance in the National Design Guide and paragraph 127 of the National Planning Policy Framework (the Framework).

Other Matters

9. I note the appellant's concerns regarding the Council's handling of the case. However, this is a matter that would need to be taken up with the Council in the first instance. In determining this appeal, I am only able to have regard to the planning merits of the case.
10. The personal circumstances of the appellant are acknowledged, including that the proposal would allow her to live in an accessible home within the community in which she feels comfortable. These are matters which weigh in favour of allowing the development. In considering this matter, I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability.
11. In respect of the above, this must be weighed against my conclusion on the main issue which is that the proposal would have a significantly adverse impact upon the character and appearance of the area. In this case, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that significant harm is not caused to these matters. Indeed, the protection of the public interest cannot be achieved by means that are less interfering of the human rights of the family member. Therefore, while I acknowledge the personal circumstances of the appellant, I conclude that these are not matters which outweigh the harm that is caused by the development.
12. The appellant has indicated that a large outbuilding could be constructed in the rear garden under Permitted Development Rights. Although such a development may be possible, a Certificate of Lawful Development has not been sought and it would not create the same type of accommodation as this appeal. There is no evidence to demonstrate that there is a reasonable prospect of this being implemented, and accordingly, I give this matter limited weight.

Planning Balance

13. Both parties agree that the Council cannot demonstrate a 5 year supply of housing land. Therefore, on this basis, the relevant policies of the Core Strategy are considered to be out of-date. Accordingly, the Framework advises, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, planning permission should be granted for the appeal development.
14. My attention has been drawn to other local housing issues, including the need for smaller houses, which the proposal would achieve on a windfall site. Moreover, the appeal site is in a sustainable location close to services and facilities. There would be economic benefits from the investment in the construction of the dwelling, subsequent occupation and spending associated with future residents. The delivery of a new dwelling would also make a contribution to the social dimension of sustainable development.
15. However, the nature of these social and economic benefits would be limited due to the small scale of the proposal. In terms of addressing the Council's housing land supply shortfall, the proposal would only have a very limited impact. Accordingly, the benefits of the scheme carry limited weight. Moreover, good design is a key aspect of sustainable development as recognised by the Framework. As noted above, the proposed development would harm the character and appearance of the area and would therefore fail to meet the environmental dimension of the Framework. This matter carries considerable weight.
16. Therefore, taking into account all these matters, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. Consequently, the proposed development would not constitute sustainable development, for which there is a presumption in favour.

Conclusion and Recommendation

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR