



Appeal Decision

Site Visit made on 8 June 2021

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 June 2021

Appeal Ref: APP/Q4245/W/21/3267882

57 Stamford Street, Old Trafford M16 9JJ

- 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 Asad Timol against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 101631/HHA/20, dated 17 August 2020, was refused by notice dated 5 November 2020.
 - The development proposed is a single storey garage extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has provided alternative drawings showing an amended scheme with a garage of 2.5 metre roof height. The appeal process should not be used to evolve a scheme. Moreover, in determining the appeal, in the interests of fairness, I can only take into account matters that have been properly placed before the main parties and interested parties. The Council has indicated that no publicity has taken place with respect to these plans. Therefore, having regard to the principles of *Wheatcroft*¹, I have not taken these plans into consideration but have determined the appeal on the basis of the plans that were before the Council at the time of its decision.

Main Issues

3. The main issues are the effect of the proposal on i) the character and appearance of the area, and ii) the living conditions of neighbouring occupants and occupants of the appeal site.

Reasons

Character and appearance

4. The appeal site is a terraced dwelling accessed at the rear by a shared alleyway wide enough for vehicles. The alleyway has a fairly consistent boundary treatment, with tall, red brick walls and wide vehicular entrances into the rear yards of dwellings on either side, most of which appeared laid to hardstanding and with either gates or open frontages.
5. The guidance of SPD4: A Guide for Designing House Extensions & Alterations (February 2012) states that garages visible from the public realm should be modest in scale and not appear prominent in relation to the dwelling or the

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

street scene. Similar guidance is set out for detached garden structures, in that it is important to minimise their visual impact.

6. The proposal seeks to erect a full-width, detached garage within the rear yard of No 57. The dwelling already has an extension to the rear of the original outrigger. As a result, the rear wall of the garage would be only 1.2m from the rear wall of the dwelling and would occupy most of the area of the rear yard. The scale and site coverage of the garage would dominate the site in views from the alleyway and neighbouring properties opposite and to either side. The majority of the yard area would be built over and the proximity of the garage to the rear of the dwelling would make the development appear cramped and excessive in size for the site.
7. At 3 metres in height, and with the shallow monopitch roof sloping slightly upward to the rear following the rise in ground level, the structure would stand significantly above the height of the adjacent boundary walls. There are isolated examples of outbuildings to the rear of other properties nearby; however, I saw these to be generally low in height, exceeding the general boundary wall height only marginally. As a result, they do not appear conspicuous within the street scene and do not alter the general pattern of development where open yards are retained to the rear of the properties. Indeed, the appellant's own evidence demonstrates that all but one example is at least 300mm lower in height than the proposed garage, the only exception being at No 61, which is an end-of-terrace dwelling that faces onto Cross Street. In contrast, the greater height and visible massing of the proposed garage would be a highly conspicuous and intrusive addition to the street scene, uncharacteristic of the generally muted backland character.
8. This impact would be made greater by the fact that the rear boundary wall extends further into the alleyway than most other properties, part of a short pattern where every fourth property does the same, though it only occurs at Nos 39-41, 49, 57 and 65. The garage would appear even more prominent due to this further projection into the alleyway. I acknowledge that the proposal would be constructed in red brick to match the prevailing material, but this would not overcome the harmful impact of the building's scale, the resulting cramped arrangement of structures on the site, or the disruptive presence of the garage in the street scene.
9. For these reasons, I conclude that the proposal would significantly harm the character and appearance of the area, in conflict with Policy L7 of the Trafford Core Strategy (January 2012) (the CS) which requires that development is appropriate to its context, and enhances the street scene or character of the area by appropriately addressing factors including scale, height, massing and layout. The proposal would also conflict with the aforementioned guidance of SPD 4. Moreover, there would be conflict with the guidance of the National Planning Policy Framework (the Framework) which sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

Effect on living conditions

10. Policy L7 of the CS further requires that development be compatible with the surrounding area and not prejudice the amenity of the future occupiers of the development and/or occupants of adjacent properties by reason of

overbearing, overshadowing, overlooking, visual intrusion, noise and/or disturbance, odour or in any other way.

11. SPD4 adds that consideration should be given to the outlook of neighbouring properties and potential overshadowing when deciding on the location of a garage, and to the siting of a garden structure and its potential impact on neighbouring amenity.
12. The garage would effectively raise the side boundary walls to 3 metres in height on both sides for a length of 5.7 metres. The main external space to No 55 would be to the north and west of the proposed garage. As a result, the garden area would be significantly enclosed and overshadowed by the garage, reducing light and outlook and thus diminishing the quality of this space for occupants of No 55.
13. On the opposite side, No 59 would not suffer overshadowing due to its position to the south of the proposed garage, but its rear garden would still be enclosed by it in a similar manner to No 55, reducing outlook for neighbouring occupants.
14. The occupants of the appeal dwelling itself would be deprived of most of the usable external space of the property, with only the narrow strip to the side of the rear outrigger retained. This loss of functional external space would limit the ability of future occupants to relax outdoors, dry clothes or for children to play in a secure area. This loss is exacerbated by the fact that the garage would stand immediately in front of the rear ground floor doors and would severely block outlook from within the property.
15. I appreciate that the appellant, in proposing the development, is likely to be prepared to accept these resulting living conditions; and that he has indicated the existing neighbours are not opposed to it. However, I am mindful that these changes to the site, and the resulting harm, would be permanent and would also affect future occupants.
16. For these reasons, I conclude that the proposal would significantly harm the living conditions of neighbouring occupants, and occupants of the appeal site. Consequently, the proposal would conflict with the stated aims of Policy L7 of the CS and the guidance of SPD4. There would also be conflict with the Framework, which states that development should create places with a high standard of amenity for existing and future users.

Other Matters

17. The appellant points to the need to securely park his van and its valuable trade-related contents and to evidence of previous attempts to gain entry to the property. The garage, it is argued, would help reduce opportunities for crime in the area. I can understand the appellant's desire to protect his property; however, I saw on site that the space is presently not used for parking of a vehicle, but appeared to be used for general storage of domestic items underneath a temporary tent structure. It is unclear, therefore, where the appellant currently stores his vehicle. The existing site is clearly not secure, but one reason for this is the lack of a gate, which many other properties have. No evidence has been put to me as to why a gate or other measures such as CCTV could not adequately secure the property. Therefore, I afford these concerns limited weight.

18. Moreover, based on the appellant's statement of case, it is possible that the garage is intended to be used primarily for storage of commercial materials, and not as an ancillary domestic structure. The appellant refers specifically to the garage providing 'ample room to grow their business interests'. I recognise there would be some limited economic benefits arising from the construction of the garage, but were it to subsequently function as a commercial building, this would conflict with the residential character of the area. Therefore, I do not attribute positive weight to this particular argument.
19. The appellant also raises the issue of parking pressure on Stamford Street. However, the appeal site, were it to be cleared of existing paraphernalia, is capable of accommodating a parked vehicle within the rear yard. The proposed garage is not necessary to address this issue, therefore, and I afford it negligible weight.
20. For the reasons set out at the start of this decision, I have not taken the appellant's amended plans into consideration. However, I note the appellant, in commenting on these plans, refers to permitted development limits on height. However, the evidence before me does not make the case that there is a viable alternative scheme that could be constructed under permitted development and that would represent a fall-back position for the appellant. Therefore, I afford limited weight to such considerations.
21. I also note the appellant's frustrations with what he views as the Council's unwillingness to consider alternative proposals. However, concerns with the Council's handling of the application are ultimately matters for local government accountability. I have limited my considerations to the planning merits of the appeal.

Conclusion

22. For the reasons set out, I conclude that the proposal would conflict with the development plan, taken as a whole. Material considerations in this case attract no more than limited weight and do not suggest planning permission should be forthcoming in spite of this conflict. Therefore, having regard to all matters raised, the appeal should be dismissed.

K. Savage

INSPECTOR