



Appeal Decision

Site Visit made on 8 June 2021

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th July 2021

Appeal Ref: APP/U4230/W/21/3266832

22 Ash Drive, Wardley, Swinton, M27 9RS

- 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 John Royle against the decision of Salford City Council.
 - The application Ref 20/76207/FUL, dated 19 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is the change of use of land to residential garden.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to residential garden at 22 Ash Drive, Wardley, Swinton, M27 9RS in accordance with the terms of the application, Ref 20/76207/FUL, dated 20 October 2020, and the plans submitted with it.

Preliminary Matters

2. The development had already been undertaken at the time of my visit. For clarity, I have considered this appeal based on the submitted plans which reflected the development on the site. I have utilised part of the description of the development from the Appeal Form rather than the Application Form as it better focuses on the development involved.
3. I am also considering an appeal¹ on an adjoining site for a similar development. I have considered each proposal on its own merits and that appeal is the subject of a separate decision.

Main Issue

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

Reasons

5. The appeal site comprises of a semi-detached dwellinghouse and an area of land to its rear that was part of a passageway. The properties around the appeal site are mainly semi-detached or form part of short terrace rows. These buildings face the road and are set back on broadly regular building lines. They share similar characteristics with their hipped roofs and their utilisation of a similar palette of materials. These factors combine to give the area a pleasant residential character.

¹ Appeal Ref: APP/U4230/W/20/3266113

6. The appeal proposal comprises of an extension of the rear garden area by enclosing part of the rear passageway. It is a modest enlargement that I was able to see at the time of my site visit and is bounded on a number of sides by timber fencing with associated concrete posts and panels.
7. The Council state that the rear passageway is a key characteristic and design of these dwellings. Whilst the rear may occasionally be used by some residents, most of the passageway to the rear of this section of Ash Drive is overgrown with vegetation. It was evident from my site observations that the main access to properties in the area is from the front. It is the clear street facing frontages of properties which I consider contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations, in this case, from Heys Avenue and also a connecting passageway leading from Ash and Alder Drives. The closed boarded timber fencing is not prominent and is seen in the context of similar height and type boundary treatments to the rear and in some cases, to the sides of properties. Consequently, I do not consider that this appeal proposal, which has closed a section of the passageway, is detrimental to the character of this area.
8. I therefore conclude that the appeal development has not unacceptably harmed the character and appearance of the area. It is not contrary to Policy DES1 of the City of Salford Unitary Development Plan, which seeks, amongst other matters, development that responds to its physical context and the positive character of the local area in which it is situated. It also does not conflict with the National Planning Policy Framework which seeks, at paragraph 124, high quality buildings and places.

Other Matters

9. I have had regard to the concerns raised by interested parties in relation to the appeal development. This includes matters relating to a right of way, land ownership and access to properties. These are however matters dealt with by other legislation and are civil matters which are not within the remit of this appeal.
10. Reference has been made to other similar developments in the area and that the appeal development may set a precedent. I have dealt with this appeal on its own specific merits and any future development would also be considered on its own particular circumstances.

Conditions

11. The Council have not suggested any conditions and as the development has been undertaken, I do not consider that any conditions are necessary in this instance.

Conclusion

12. For the reasons given I conclude that the appeal should succeed.

F Rafiq

INSPECTOR