



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: 12th July 2021

Appeal Ref: APP/U4230/W/20/3266113

24 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 Mrs Jennifer Blake against the decision of Salford City Council.
 - The application Ref 20/76248/FUL, dated 23 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is for the change of use to enclosed garden area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use to enclosed garden area at 24 Ash Drive, Worsley, M27 9RS in accordance with the terms of the application, Ref 20/76248/FUL, dated 23 October 2020, and the plans submitted with it.

Preliminary Matters

2. The address of the site on the Application Form references 'Worsley', although both the Decision Notice and Appeal Form state 'Wardley, Swinton' which I have utilised as the appeal site's address.
3. 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 reflect the development on site. I have utilised part of the description of the development from the Decision Notice rather than the Application Form as it better focuses on the development involved.
4. 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

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

Reasons

6. 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

¹ Appeal Ref: APP/U4230/W/21/3266832

- similar pallets of materials. These factors combine to give the area a pleasant residential character.
7. The appeal proposal comprises of an extension of the rear garden area of No 24 Ash Drive by enclosing part of the rear passageway. It is a modest, broadly rectangular enlargement that I was able to see at the time of my site visit. The extended garden area contains outbuildings and is bounded on a number of sides by timber fencing with associated concrete posts and panels.
 8. 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, from my site observations, I was able to see that the main access to properties in the area is from the front, with most of the rear passageway near the appeal site overgrown with vegetation. It is therefore evident, that the clear street facing frontages of properties contribute strongly to the character of the area, rather than the limited width passageways that are accessed from discrete locations to the side or rear of properties.
 9. The appeal development can be seen along the passageway from Heys Avenue. From here, the closed boarded timber fencing which encloses the extended garden area is seen in the context of similar height and type boundary treatments to the rear of properties that bound the passageway. I do not therefore find the development undertaken, closing a section of the passageway, has been detrimental to the character of this area.
 10. Given the above, I 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

11. 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. I also note that there may be alternative ways of addressing overgrown vegetation, but I have found the development to be acceptable in relation to the main issue.
12. 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

13. 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

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

F Rafiq

INSPECTOR