



Appeal Decision

Site Visit made on 10 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2021

Appeal Ref: APP/Q4245/W/21/3271190

5 Bentinck Road, Altrincham, Cheshire WA14 2BW

- 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 Trish and Fiona Collantine and Fleming against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 102025/FUL/20, dated 25 September 2020, was refused by notice dated 28 January 2021.
 - The development proposed is demolition of existing dwelling, erection of a pair of semi-detached dwellings with new boundary wall and gateposts.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised National Planning Policy Framework (the Framework), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character and appearance of the Devisdale Conservation Area (the CA), and;
 - the effect of the proposed development on the setting of The Elms, a Grade II listed building.

Reasons

Conservation Area

4. The appeal site is a detached two storey dwelling in a residential area of predominantly large, detached dwellings in spacious plots. These tend to have decorative features such as gables, bay windows and prominent front entrances, often with recessed porches. As is the case with the majority of neighbouring dwellings, the appeal property is set back from the road behind a driveway and front garden. The front garden is bounded by a reasonably high hedge that limits views into the site. This form of front boundary is consistent with few breaks along this side of Bentinck Road, albeit largely incorporating a low stone wall, and contributes to the leafy secluded character referred to in the Devisdale Conservation Area Management Plan. The large, detached

dwelling in spacious plots and the leafy secluded character arising, in part, from the consistent boundary hedging with limited breaks are features that contribute to the significance of the CA.

5. The appeal property has an atypical character to most of the dwellings along Bentinck Road, having a simple, modest design and appearance and low roof form. I agree with both parties that this existing dwelling does not reinforce the characteristics that contribute to the significance of the CA.
6. It is proposed to demolish the existing dwelling and erect a pair of semi-detached dwellings. These would utilise materials that would reflect those of neighbouring dwellings and incorporate features that are characteristic of properties along Bentinck Road such as decorative gables and bay windows. The building would occupy a similar position and footprint to the existing building. The appellant argues that the dwellings would appear as a single detached dwelling with the main entrances positioned on either side of the building. A shared two car wide access with the highway would allow adjoining hardsurfaced driveways to be created to the front of the dwellings. Each would be capable of parking two cars end-to-end, with additional visitor parking to the side, surfaced with grass protection mesh.
7. On the site visit I saw that accesses are generally narrow, allowing for limited breaks in the consistent hedging. The proposed access would appear extremely wide in comparison to those of neighbouring dwellings. The large access would significantly reduce the area of front boundary, resulting in a substantial reduction in hedging to this site. This, alongside the expanse of hardstanding would give the frontage an open feel, at odds with the leafy secluded character referred to above. Given the limitations of the plot size, the rigid and tightly laid out parallel parking arrangement of two rows of vehicles side by side, with potential for a second row to either side, would take up much of the frontage of the site and would appear cramped. This would add to the discordant appearance of this part of the development and would compromise the spacious feel of the CA. Whilst I have had regard to the appellant's suggestion of limiting the number of parking spaces to two per dwelling by planning condition, this would not overcome my concerns with regard to the appearance of the frontage of the development and its harmful effect on the character and appearance of the CA.
8. The unusually rigid parking layout and wide access would, to my mind, clearly indicate that a subdivision of the plot has occurred. As such, the proposal would appear as a pair of semi-detached dwellings which would be at odds with the overwhelming character of the area of detached dwellings in spacious plots. Furthermore, whilst I recognise that planning conditions can control certain aspects of the scheme, in my experience, occupants seek to put their own stamp on their properties and define their own boundaries, with the uniformity of the two dwellings likely to erode over time to the further detriment of the character and appearance of the CA.
9. In this regard, whilst I understand the purpose of providing access to the side of the dwellings rather than the front, the lack of a front entrance would fail to reflect the overwhelming character of the area, which is of large, detached dwellings with prominent front entrances. The lack of such a feature would appear at odds with this character resulting in a harmful effect on the character and appearance of the CA. On the site visit I saw that where side entrances

were present, they were usually in addition to an entrance on the front elevation.

10. Whilst the appellant has directed me to examples of other semi-detached dwellings and wider accesses nearby, these are not reflective of my impression on the site visit and are the exceptions rather than the norm. Furthermore, with regard to the previous grants of approval for such developments, I have not been provided with the precise circumstances in which these were approved, for example pre-existing development, permissions, or the relevant policy context that applied at that time. Nonetheless, none of the examples appear to have an access as wide as that proposed or a parking arrangement taking up a similar proportion of the frontage of the dwellings. Notwithstanding this I have, and must, determine this appeal on its merits, based on the site-specific circumstances of the case.
11. For the above reasons, I conclude that the proposal would be harmful to the significance of the CA. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
12. I agree that there would be potential benefits from the replacement of the existing dwelling with a building that incorporates features of the buildings that contribute to the significance of the CA. Although, I would note that the low roof height of the existing building and its setback into the site behind a high hedge reduces its prominence at present within the CA. The installation of a low stone wall and gate piers that would reflect others in the vicinity would also be a benefit of the proposal, although based on my above reasoning I do not agree with the appellant that the existing front boundary is poor quality. Some minor economic benefits will also be likely both during the construction through local employment and during occupation of the development through support of local shops and businesses.
13. These combined benefits carry moderate weight in the balance. The harm to the significance of the CA, carries great weight, and it is not outweighed by the combination of public benefits which would arise from the proposed development.
14. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the Devisdale Conservation Area, contrary to Policies L7 and R1 of the Trafford Core Strategy (2012) which seek, amongst other things, to conserve heritage assets and provide high quality design. The proposal would also conflict with paragraph 189 of the Framework insofar as it seeks, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance.

Setting of listed building

15. The Council contends that the appeal proposal would adversely affect the setting of The Elms, a Grade II listed building, the rear garden of which backs onto the appeal site. The significance/special interest of the listed building, in so far as it relates to this appeal, includes the aesthetic and historic value of a large vernacular domestic building that is set back from the road in substantial grounds. Section 66 of the Act¹ sets out a general duty to have special regard

¹ Planning (Listed Buildings and Conservation Areas) Act 1990

to the desirability of preserving listed buildings or their settings. This is a matter of considerable importance and weight.

16. When considering the impact of a proposed development on the significance of a designated heritage asset, the Framework also provides that great weight should be given to the asset's conservation. The setting of a heritage asset is defined as the surroundings in which it is experienced and its importance therefore lies in what it contributes to the significance of the heritage asset.
17. The Elms is setback from the road within its own grounds and this contributes significantly to the spacious setting of this dwelling. Due to the extent of the setback, it is positioned much closer to the rear boundary and its setting to the rear is much more constrained. This rear boundary is substantial, consisting of a high fence with a hedge, supplanted with regular mature trees, forming a tall, dense barrier through which visibility is extremely limited. The rear garden of the appeal site consequently makes very little contribution to the significance of the Elms.
18. Whilst I appreciate that some of the trees and hedge are likely to lose their leaves in winter, the extent of the boundary is such that any views that could be achieved, even at this time, would be extremely fleeting. Nevertheless, the proposed building, being taller, may be more visible than the existing dwelling, with the roof perhaps being seen above the boundary. However, this would be little different to the pattern of dwellings along Bentinck Road backing onto properties along Normans Place that are visible alongside this building. As such and given that the appeal site contributes comparatively little to the setting of The Elms, I am satisfied that the proposal would preserve its setting.
19. For the above reasons, the proposal would preserve the setting of The Elms and the contribution setting makes to its significance. It would therefore comply with Policies L7 and R1 of the Trafford Core Strategy (2012) and the provisions of the Framework which, amongst other things, seek to preserve listed buildings and their setting.

Planning Balance

20. Both parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 6, this includes instances of harm to designated heritage assets, such as Conservation Areas. The Framework therefore provides a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
21. The government is seeking to significantly boost the supply of housing and the scheme would result in a net increase of one dwelling at the site. Taking into account the minor nature of the development, and the identified housing need in the area, I consider these to be public benefits which collectively attract moderate weight. They would not outweigh the harm to the CA, which I have afforded great weight in the balance.

Conclusion

22. For the reasons given above, namely the harm to the significance of the Conservation Area, having considered the development plan as a whole, along with all other relevant material considerations and the provisions of the Framework, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR