



Appeal Decision

Site visit made on 19 October 2021

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2021

Appeal Ref: APP/Q4245/W/21/3277996

United Services Club, 28 Southern Road, Sale M33 6HQ

- 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 United Services Club against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 102296/FUL/20, dated 21 October 2020, was refused by notice dated 16 April 2021.
 - The development proposed is the erection of a single dwelling with detached garage, car parking and associated external works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted an amended plan with the appeal to address a repositioning of the proposed dwelling which they suggest was done in error. I have considered the amended plan under the principles established by Wheatcroft¹, which are further explained in the Procedural Guide: Planning Appeals – England (Annexe M.2.2). There are fundamental differences between the original and amended site plan. Namely, the amended dwelling would be positioned further forward in the site and includes a garage and parking space to the rear which, although included within the description of development above, is not included in the originally submitted plan.
3. The amendments would change the nature of the proposed development to such a degree that to consider them would unacceptably prejudice those who should have been consulted on the change, including the Council and local residents. This is irrespective of whether or not the amended plan reflects the proposed site layout of the previous application². Accordingly, and in the interests of procedural fairness, I have dealt with this appeal on the basis of the plans that were originally submitted with the planning application, which show no retained parking spaces on the United Services Club (USC) site.
4. I note here that, even if I did accept the submission of the amended plan, the reason for dismissal of the previous appeal on application 98968/FUL/19 – namely the harm to users of the Public Right of Way (PROW) running through the existing car park – would remain. That is because vehicles seeking to use the parking spaces between the appeal site and the USC building would have to cross and re-cross the PROW. The fact that the appellant in this appeal has

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

² Council ref: 98968/FUL/19

chosen to position the PROW and new car parking spaces outside the red line of the site plan does not prevent this because they still own and control this land, and so I would have to take any implications of car parking on it into account.

5. The revised National Planning Policy Framework (the Framework) was published in July 2021. This has replaced the 2019 iteration. The main parties were given the opportunity to comment upon the implications of the revised Framework.

Main Issues

6. The effect of the proposed development on a) highway safety and b) the living conditions of occupiers at 26 Southern Road, with particular regard to their outlook and light.

Reasons

Highway Safety

7. The appeal relates to the car park of the USC, whose facilities also include an adjacent club house and bowling green on Southern Road, beyond a Public Right of Way. A considerable stretch along the southern side of the immediate carriageway is demarcated for parking, controlled by a Traffic Regulation Order (TRO). The northern side remains unrestricted.
8. At the time of my site visit many of the spaces within the car park were empty and there was some on-street availability. However, the level of on-street parking on either side had reduced the carriageway down to single lane in width near to the appeal site, with limited passing points. I acknowledge this is just a snap-shot in time and at a time when it appeared there was no bowling match or other activity at the USC.
9. The letters from neighbouring residents provide me with further information as to normal parking and traffic conditions along the highway. These appear to correlate with the appellant's comments which indicate that the highway is full most days. Moreover, the introduction of the TRO, whether as a result of parking by users of the club, local residents, commuters or others, serves to confirm that there are parking pressures in the locality.
10. The proposal (the original plans for which show no parking spaces for the USC) would result in the loss of all off-street parking spaces. This would lead to the displacement of additional vehicles onto the highway and, as the existing on-street parking provision appears to already be limited, drivers attending the USC, particularly if all at the same time i.e. for events/matches, would likely create considerable vehicle movements as they attempt to find a space in the immediate locality. Any additional on-street parking which would then occur adjacent to the appeal site would further increase the stretch of fully parked cars on this narrow carriageway. This would further limit the visibility for drivers and reduce the places for the increased number of vehicles to pass, resulting in drivers performing dangerous manoeuvres. Collectively, these factors would adversely affect road users.
11. Although the Council has previously indicated that a lower number of off-street parking spaces may be appropriate, and the appellant has suggested that the USC has made alternative arrangements for their parking requirements, no details of such provision have been included in this proposal (i.e. in the original

submitted plan). There is also no substantive evidence before me to indicate that users of USC arrive by other means of transport and thus do not create a demand for parking. These matters do not therefore overcome my concerns above.

12. Consequently, the proposal would harm highway safety and thus would conflict with Policies L4 and L7 of the Trafford Local Plan: Core Strategy (January 2012) (the CS), the Trafford Council Supplementary Planning Document, SPD3: Parking Standards and Design (February 2012) and the Framework which collectively seek to ensure that developments provide sufficient parking and do not have a significant adverse impact on the safe and efficient operation of the highway.

Living Conditions

13. The proposed dwelling would project significantly beyond the rear of No 26, at two storey level. It would also be set off the shared boundary by a limited amount thus would be within close proximity to its ground floor rear extension which has extensive glazing along its side elevation. Despite being sited beyond a 45 degree angle, due to its overall scale, massing and projection, this proposal would result in a two-storey elevation of a substantial length close to the shared boundary that would create an uninviting outlook for occupiers of No 26.
14. The proposal would also create a degree of overshadowing to the space between the rear extension and side boundary of No 26. However, this space is restricted in size and is not the primary garden space for occupiers. Additionally, the glazed design of the extension would ensure good levels of light would be maintained within that room. As such, the amount of overshadowing which the proposal would cause would not be significant.
15. Nevertheless, the proposed development would harm the living conditions of occupiers of No 26 in terms of outlook. Thus, it would conflict with Policy L7 of the CS and the Framework which seeks to ensure that developments do not prejudice the amenity of the occupants of adjacent properties.

Other Matters

16. I acknowledge that the Council has raised no concerns with the appearance of the proposed dwelling and the appellant suggests it would improve the street scene by replacing the existing car park. However, the appeal site has a tidy and functional appearance associated with the USC and I do not consider it to have a harmful effect in the locality. This is a neutral matter.
17. Whilst a dwelling may have previously occupied the appeal site, this appears to have been a considerable time ago, when the planning policy context and local circumstances would have been different. I have determined this appeal on its own merits, taking into consideration the current local context.

Planning Balance

18. With regard to the five-year housing supply position, both main parties indicate that the Council cannot demonstrate a five-year housing land supply, although no details have been provided as to the exact shortfall that exists. Nevertheless, paragraph 11 d)(ii) of the Framework is engaged.

19. The proposed dwelling would be in an accessible location and would see the development of a brownfield site. It would make a contribution to the Council's housing shortfall, albeit to a limited extent, and there would be some economic benefits during construction and on subsequent occupation. I also acknowledge that the development of the site would assist the USC financially, particularly during a time of uncertainty following the Covid 19 pandemic. It would assist in carrying out improvements and maintenance which would bring social benefits to the community and users of the USC. It would also provide disabled facilities. Given the small scale of the development, I collectively afford these benefits moderate weight.
20. Conversely, as well as being contrary to the development plan, the proposal would conflict with the Framework as it would result in harm to highway safety and the living conditions of neighbouring occupiers. I give significant weight to the conflict with the Frameworks objectives in this regard.
21. Accordingly, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, and so the presumption in favour of sustainable development does not apply.

Conclusion

22. Overall, the proposal conflicts with the development plan and there are no material considerations, including the Framework, that outweigh that conflict. Therefore, the appeal should be dismissed.

H Ellison
INSPECTOR