



Appeal Decision

Site Visit made on 27 September 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2021

Appeal Ref: APP/Q4245/W/21/3273148

Land at the corner of Grove Lane & Wellgreen Place, Hale Barns WA15 8PR

- 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 Lloyd of Limoncello Hat Limited against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 102782/FUL/20, dated 2 December 2020, was refused by notice dated 15 March 2021.
 - The development proposed is described on the application form as 'erection of 1No. new detached dwelling with associated parking and private amenity space'.
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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 on which the main parties have had the opportunity to comment. Any reference to the Framework below is consequently a reference to this latest version.
3. Trafford Metropolitan Borough Council explain that they cannot presently demonstrate a five year land supply of deliverable housing sites (5YLS). The appellant has argued that the Council can only demonstrate a 2.4 year supply, a significant shortfall, which is not disputed by the Council. Therefore, with regard to paragraph 11 of the Framework, relevant policies for the supply of housing must be considered out of date, and permission withheld only if any adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. For clarity, with reference to Framework paragraph 11. d) i. no relevant protective policies within the terms of footnote 7 apply here.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the surrounding area and the effect of the proposal on the living conditions of the occupiers of 4 Beech Mews.

Reasons

Character and Appearance

5. The appeal site is a narrow, rough surfaced, rectangular parcel of land that is in use for the parking of vehicles. It is located in an urban area with good access to services. The site is accessed from Wellgreen Close and is positioned close to the access with Grove Lane. Wellgreen Close slopes down to the junction such

that the appeal site is elevated above the level of the road of Grove Lane. A group of trees are growing on the grass bank at the northern edge of the site fronting onto Grove Lane.

6. Dwellings along this part of Grove Lane tend to be semi-detached and set back from the road behind front gardens, giving the area a spacious feel. This includes the neighbouring semi-detached dwellings 4 and 5 Beech Mews, the high fence garden boundaries of which adjoin the appeal site. The vehicular access for No 5 runs along the southern edge of the appeal site.
7. Trees are prevalent and the trees on the appeal site form part of an almost continuous row lining this side of the road. These extend for much of the length of Grove Lane to a point beyond the parade of shops, the vehicle entrance to which lies immediately opposite the appeal site. The setback of the row of buildings that form the shopping parade and the open nature of the appeal site, aside from trees, gives this part of Wellgreen Close an open feel. This is in contrast to the tighter arrangement of dwellings further along Wellgreen Close which are seen in an elevated position from the junction with Grove Lane. However, although close to one another, they are set back from the road similar to the dwellings along Grove Lane.
8. The new two storey dwelling would be large and would occupy much of the width of the appeal site. Sited close to the front boundary with the pavement and the rear fenced boundary with Nos 4 and 5 Wellgreen Close, it would appear as a cramped form of development that would diminish the open character of this part of Wellgreen Close. Whilst the dwelling would be set back from Grove Lane, its orientation and siting with little space between it and the pavement along Wellgreen Close would result in it dominating its immediate setting. Consequently, the proposal would represent an incongruous addition to the streetscene that would be at odds with the prevailing character of spaciouly arranged dwellings.
9. Furthermore, the lack of first floor fenestration in the elevation facing the driveway of No 5 and the resulting high solid to void ratio would further add to the bulk and dominance of the structure. This elevation would be highly prominent in views on the approach toward the junction with Grove Lane where it would appear as a discordant addition to the streetscene to the detriment of the spacious character of the area.
10. The appellant contends that the site is previously developed land and this is not disputed by the Council. I note that the site is an accessible location, and that materials could be secured that would be consistent with the location. However, that would not overcome the harm in terms of the character and appearance that I have identified above.
11. For the above reasons I conclude that the proposal would result in significant harm to the character and appearance of the area in conflict with Policy L7 of the Trafford Core Strategy (2012) (the TCS) and the provisions of the Framework and National Design Guide which seek to provide high quality design that preserves character and appearance. The proposal would also conflict with the guidance contained within the Supplementary Planning Guidance PG1: New Residential Development (2004) (the SPG) which seeks to protect and, where appropriate, enhance the character, quality and amenity of an area.

Living Conditions

12. Owing in part to the position of dwellings, the prevalence of trees and the spacious feel of Grove Lane, levels of outlook from residential properties in this area are generally good. The bulk of the outdoor amenity space serving 4 and 5 Beech Mews is located between the dwellings and the appeal site. This area is reasonably private, being predominantly bounded by a high fence. The majority of the windows in No 4, which are located in the west elevation, look out onto this space, with the open parking area forming the appeal site beyond. As a result, the occupiers of No 4 enjoy a good level of outlook in this direction at present.
13. It is proposed to construct the east facing elevation in close proximity to the boundary fence with No 4. This would face directly towards the west elevation of No 4 from a distance of some 15.7 metres. Owing to its siting, scale and bulk, it would appear oppressive and imposing in views from the habitable windows on this elevation, significantly reducing outlook. The two storey structure would extend alongside much of the main garden area from where it would lead to an undue sense of enclosure that would be at odds with the prevailing levels of outlook in the vicinity. While I recognise that there is no right to a view, it is the visual impact on the outlook from the dwelling and the garden that is the concern here.
14. There is a dispute between the parties as to which is the relevant separation distance within the SPG. However, I am mindful that this is guidance and cannot envisage every scenario. In this case, I have found that the proposal would result in a significantly dominant and imposing form of development that would adversely affect the living conditions of the occupiers of 4 Beech Mews.
15. Whilst I note that other developments have been carried out in the general area around the site, including at Beech Mews, this does not justify the harm that I have identified above.
16. My attention has been drawn to paragraph 125 of the Framework which advises a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site. However, I note that this only applies where the resulting scheme would provide acceptable living standards which is not the case here due to the harm to living conditions identified above.
17. For the above reasons I conclude that the proposal would result in significant harm to the living conditions of the occupiers of No 4 Beech Mews in conflict with Policy L7 of the TCS and the provisions of the Framework which seek to provide high standards of design with regard to living conditions.

Other Matters and Planning Balance

18. I have reasoned above that the proposal would result in harm to both character and appearance and living conditions (within both the terms of relevant elements of the development plan and the Framework). I have also set out above that the Council cannot presently demonstrate a five year housing land supply. I therefore now turn to whether or not the adverse impacts of allowing the appeal would significantly and demonstrably outweigh the benefits.
19. I acknowledge that the provision of one new dwelling would make a small contribution towards improving the supply of housing. However, even taking

account of the substantial shortfall identified above, the contribution of one dwelling towards rectifying the Council's shortfall would be modest. There would be minor benefits in terms of making efficient use of land: the proposal is for the redevelopment of an area of hardstanding in an urban area with good access to services. There would be a small social benefit in providing an extra housing unit. Limited economic advantages would also arise from the construction and occupation of a new house.

20. However, the harm to the character and appearance of the area and to living conditions identified above would be significant. When assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the limited benefits of the proposal as identified above. Moreover, the support in the development plan for new housing, and similarly that in the Framework, is not at the expense of ensuring that all development integrates appropriately with its surrounding context. Consequently, the proposal therefore does not benefit from the presumption in favour of sustainable development set out in the Framework. Therefore no other material considerations justify allowing the appeal.

Conclusion

21. For the above reasons, and having taken all other relevant matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR