



Appeal Decision

Site visit made on 17 January 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/Q4245/W/21/3282485

1 Bow Green Road, Bowdon WA14 3LZ

- 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 Adam Fadle against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 104103/FUL/21, dated 31 March 2021, was refused by notice dated 14 July 2021.
 - The development proposed is the demolition of an existing dwelling and garage, the erection of a replacement dwelling with double garage connected with single storey link. Associated works to include new entrance gates and piers and new low boundary wall and hard and soft landscaping works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - Whether the proposed dwelling would affect the character and appearance of the Bowdon Conservation Area (BCA), and
 - The effect of the proposal on the living conditions of the occupiers of 1a Gaddum Road (No 1a), with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is on the corner of Bow Green Road and Gaddum Road. The surrounding area consists of residential properties within relatively spacious plots. These have a diverse range of styles, although are largely traditional in form. The topography in the area results in the appeal site being on a gradual slope, with its lower garden being adjacent to the junction. The corner property of 2 Gaddum Road is also recessed from the junction. This property, in combination with the space to the west of the dwelling on the appeal site, creates a strong sense of spaciousness around the junction. The existing dwelling is a two-storey building of limited architectural interest. However, due to the gap to its side, limited boundary screening and topography, it is a prominent and exposed site. Due to its simple form, the existing dwelling makes a neutral contribution to the character and appearance of the area.

4. The site is within the BCA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (The Framework) requires great weight to be given to an asset's conservation when considering the impact of a proposal on its significance. The Council's BCA Appraisal (2016) identifies that the conservation area has a medieval village in its centre, with many houses dating back to the C17. Later additions, in the late C19, resulted in the development of large residences during this period. As such, it seems that the area's significance derives from its medieval origins, quantity of historic buildings and the number of fine individual residences, some of which stand in spacious settings.
5. Furthermore, the dwellings located at 2-8 and 10 Bow Green Road opposite the site, are identified as positive contributors within the Council's Character Appraisal. 2-8 Bow Green Road are a group of 4 semi-detached dwellings. These are brick with attractive brick decoration that add interest and grandeur. 10 Bow Green Road is a large brick dwelling with simple proportions, central projecting gable and brick arched porchway. These buildings, especially 2-8 Bow Green Road, address the junction with Gaddum Road and make a strong contribution to this part of the BCA. The Framework requires that when weighing applications that affect a non-designated heritage asset, a balanced judgement will be required, having regard to the scale of harm and the significance of the asset.
6. Although not identified as a key view, the site makes a strong contribution to views when entering the BCA from the south. The proposed dwelling would be wider and deeper than the existing building. Due to the level changes and scale of its southwest elevation, the proposal would be prominent in these views. Although the Historic Core of the BCA is relatively close knit, the site is within a location where built form recedes from the highway, creating a more spacious character. The proposed dwelling would demonstrably erode this spacious quality. It would encroach toward the corner with a dominant and obtrusive form of development. This would harm the current sense of openness around the junction and also convey some, but limited, harm to the setting of 2-8 Bow Green Road. These effects would be exacerbated by the relatively limited quantity of robust screening. Also, the proposed addition of enhanced landscaping would not substantially mitigate this effect.
7. The design of the dwelling would include features, such as the buff stone bay surrounds and crown roof, that would not be characteristic of this era or local buildings in the BCA. The crown roofs identified at The Croft and Greylea do not reflect the predominant style of housing in the area. Also, the large projecting gables would not complement the more subtle treatment of facades evident locally within the conservation area. Furthermore, some of the windows within both the front and rear elevations would be of substantially different sizes and proportions would be absent a consistency of arrangement of form.
8. Accordingly, the design of the proposal would include both contemporary and traditional features that would form a harmful juxtaposition of styles. The effect of this would be exacerbated by its bulk and prominence within the street. The proposed removal of the birch tree, within the frontage of the site, would

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

slightly increase the visual impact of the proposal. Consequently, the proposed dwelling would not enhance the appearance of the site nor would it respond positively to its context.

9. Therefore, the proposed dwelling would not preserve or enhance the character and appearance of the area. As such, in terms of its effect on character, the proposal would conflict with policies L7 and R1 of the Trafford Core Strategy (CS), PG1: New Residential Developments (PG1), BCA Appraisal and Management Plan - Supplementary Planning Documents 5.9 and 5.9a. These seek, among other matters, for development to be appropriate for its context, for the scale of development to respect existing buildings and to be sympathetic to local character.
10. The harm identified to the BCA would be 'less than substantial'. Paragraph 202 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. No clear public benefits have been identified by the appellant. However, the replacement dwelling would replace a dwelling that has a neutral effect on the BCA and would provide a replacement dwelling of modern building materials. However, even if considered 'public benefits' these would not outweigh the harm found to the conservation area, which the Framework identifies as an irreplaceable resource.

Living conditions

11. The appeal site is adjacent to 1A Gaddum Road (No 1A). This neighbouring dwelling is an infill plot that is located behind the front row of dwellings along the street. It presents its side elevation towards the appeal site. Its rear and front gardens are private spaces due to the backland nature of the plot.
12. The Council's separation distance requirements are set out in its Planning Guidelines for new Residential Development (2004). This requires a separation distance, from main windows to rear garden boundaries, to be at least 10.5 metres. However, as the guidance explains, a rigid adherence to spacing standards can stifle creativity. Therefore, despite the proposal failing these requirements, these should only be used as a starting point for assessment.
13. The proposed dwelling would be turned towards No 1A and would therefore be slightly closer than the existing dwelling and these windows. The proposed dwelling would include three rear facing first-floor windows. Two would serve bedrooms and one an ensuite. The ensuite window could be obscurely glazed, by the imposition of a planning condition, to prevent overlooking. Whereas the bedroom windows would be slightly nearer to the rear boundary of the site and would offer overlooking views of the neighbouring property.
14. However, the proposed dwelling would be located away from views of the neighbouring rear garden, thus reducing existing overlooking to this area. Also, the rear garden includes a retaining wall and boundary hedge that screens most of the garden. Although the boundary hedge could be removed, this seems unlikely without replacement and could happen irrespective of the outcome of this appeal.
15. The proposed bedroom windows would overlook the driveway to the side of No 1A and its side elevation. The neighbouring dwelling has two first-floor side windows, on a front projecting gable. Nonetheless, the separation distance

between these would be significant. Accordingly, the neighbouring windows and the side and frontage of the property, would be overlooked to an only extremely marginal further extent.

16. Consequently, the proposal would not result in a loss of privacy that would affect the living conditions of occupiers of No 1A. Accordingly, in terms of its effect on living conditions, the proposal would comply with policy L7 of the CS, PG1 and the Framework. These policies seek, among other matters, for development to not prejudice the amenity of occupants of adjacent properties by reason of overlooking and to create places that have a high standard of amenity for existing and future users.

Public Sector Equality Duty

17. An interested party has identified that an occupant of No 1A has protected characteristics. In my assessment of the effect of the proposed development on the neighbouring occupier's wellbeing, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010. This sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Given his condition, the neighbouring occupant is a person who shares a protected characteristic for the purposes of the PSED. I have therefore afforded greater weight to the privacy concerns raised as required by the PSED. Nonetheless, even with additional weight applied to this effect, the limited overlooking identified would not result in the increased exposure of a vulnerable individual and would not result in significant harm.

Conclusion

18. The proposal would not adversely affect the living conditions of neighbouring occupiers. However, the harm to the character and appearance of the area would be substantial and accordingly the proposal would conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR