



Appeal Decision

Site visit made on 18 January 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/Q4245/W/21/3285614
145A Ashley Road, Hale WA14 2UW

- 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 C Barltrop against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 103028/FUL/20, dated 23 December 2020, was refused by notice dated 23 July 2021.
 - The development proposed is demolition of existing building and construction of 5no. apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Hale Station Conservation Area; (ii) the effect of the proposal upon archaeological interests in the area (iii) the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to overshadowing, outlook and privacy; and (iv) whether the proposal would provide acceptable living conditions for future occupants, with regard to outlook and natural light.

Reasons

Significance of Heritage Asset / Conservation Area

3. The appeal site is a two-storey building of white painted brick to the north side of Ashley Road within the district centre of Hale. The site comprises of a long linear plot property adjoining, No's.147 and 149 Ashley Road and is currently occupied in employment use. It is located within Character Zone A, 'Central Retail Area' of the Hale Station Conservation Area (HSCA). The character and significance are assessed in the Hale Station Conservation Area – Supplementary Planning Documents SPD5.11, Conservation Area Appraisal, 2016 (CAA) and SPD5.11A, Conservation Area Management Plan, 2016 (CAMP).
4. The CAA/CAMP sets out that HSCA was designated in 1986. Hale was a rural, agricultural hamlet in the 11th Century and has expanded slowly since the 1860's following the arrival of the railway. The defining characteristics is predominantly the central station building and buildings generally fit within the Arts and Crafts style. The predominate materials in the HSCA are common brick often with sandstone, red brick or contrasting polychromatic detailing,

- roofs are pitched, clad with blue slate and timber windows. Typical buildings are between two and three storeys in height.
5. The appeal site falls within one of the distinct character zones, A, Central Retail Area which encompasses Ashley Road running west to south-east. Ashley Road forms a distinct streetscape, is densely developed with retail and Victorian and Edwardian suburban villas. It is within the setting of Hale Station, which also comprises of four listed buildings. The retail units and shop fronts are considered to be of architectural value and views west and east along Ashley Road are significant.
 6. The architecture takes its cues from Domestic Revival and Arts and Crafts designs, with timber framed gables, contrasting decorative brickwork, barge-boarding and decorative plasterwork, with some buildings being plainer, with simple external rendering. The CAA acknowledges that the Central Retail Area is intensively developed and there are no vacant plots within the character zone, with little scope for infill development.
 7. The CAA identifies non-designated heritage assets that are positive contributors within the HSCA. These buildings, structures and sites are considered to have a degree of significance, meriting planning consideration because of heritage interest. Where a building, structure or site is not identified, this does not necessarily mean the building detracts from the character or appearance of the conservation area. Further enhancement may be required or investigation into the potential significance of the building, structure or site. The appeal site is not identified as a positive contributor. However, it lies within the setting of several others including No's.145, 147 and 149, and the site is not identified for potential enhancement.
 8. The appeal building would appear to have been originally built in phases, albeit this could be described as two distinct elements due to the differing sizes of gables and separate pitched slate roofs, extending from the northern boundary. It is indicated these elements originally date from the mid-19th century or earlier with an industrial historic use, potentially as a warehouse for a timber yard. The later phase appears to date from the early 20th century with a flat roof, later alterations have also taken place including the frontage being set behind No.147, and those of the original front shop elements.
 9. I acknowledge the appellant's heritage statement, rebuttals, and that they disagree somewhat with the Council's appraisal dates of the appeal property, however this is not definitive. The appellant considers that due to a degree of alteration it has lost character, its contribution to the HSCA is a negative one, and therefore its significance is judged to be low with no adverse effect upon the HSCA. I have had regard to the judgement¹ the appellant has brought to my attention.
 10. Nevertheless, the building in its altered form has the potential for historic significance and as set out in the CAA/CAMP and former use, it illustrates the evolution of development within this area of Hale during and since the 19th century. In this case, whilst I acknowledge the white painted brickwork and replacement windows have resulted in alteration, this on its own does not provide convincing justification for the whole loss of the building, including the gabled warehouses or that the significance has been overstated by the Council.

¹ Dorothy Bohm v SSCLG [2017] EWHC 3217

11. Again, I accept that the frontage to Ashley Road has been altered with the stepped roof form and a degree of significance has been lost, however in my view, this would be neutral rather than a negative one. Therefore, the development would lead to the loss of the two gabled warehouse buildings and the contribution they make to the historic and aesthetic significance of HSCA, and those stand alongside historic buildings on Ashley Road.
12. Furthermore, it appears to me from the evidence there would be scope to enhance the buildings appearance, and even replace the building frontage to conserve the asset's conservation, with careful design and further heritage consideration, of which I attach weight to.
13. The proposal would result in the demolition of the building and a replacement residential property consisting of 5 apartments, incorporating 1 x one bedroom and 4 x two-bedroom apartments. The appellant's design and access statement acknowledges, the proposed built form would be split into distinct elements to follow the staggered shape of the adjoining buildings, the front elevation would be set back and the pitch roof angle to match. The rear element would be stepped down to form two-storeys with a lower eaves. It would introduce contemporary detailing to the elevations with a flat roof dormer.
14. However, in consideration of the replacement building, it would be higher than that of the existing and due to the increase in footprint, height and massing would appear to be overdevelopment within the constrained site. It would fill almost the entire plot, be closer to No.145 and protrude further forward than it. Despite, it being subservient to the adjoining commercial buildings, significantly reducing the gap and bringing it forward would result in the proposed building being seen more prominently in those significant key views along Ashley Road. This would detract from the property at No.145 which is identified as a positive contributor and other properties on the north side, which are duly noted in the CAA.
15. The proposed building would range from two to three storeys and introduce a series of pitched and flat roof elements. The roofscape would include uncharacteristic flat roofed terraces and the flat roof dormer would appear excessively large. There would be no window hierarchy with windows of a greater vertical emphasis and ratio of brick, with no heads or cills. The prominent front elevation would be of little design merit with poor detail and misalignment of floor levels with adjacent properties. Resulting in the proposal being not reflective or complementary to those adjoining historic properties, further exacerbated by the introduction of Juliette balconies.
16. In addition, I am not convinced the replacement building conforms to the scale of the terraced surroundings on Bath Street, or the design sits comfortably within the site, is not contrived in part, and respects the form of existing neighbouring buildings along Ashley Road.
17. Despite the proposed material of brick being welcome and a dominant material in the area. The overall palette of materials, including boundary treatments would require further consideration as they would not be in context to the neighbouring buildings. As such, the overall architectural style, form, massing articulation and materials would not be sympathetic or represent high quality design or reflect local distinctiveness within the HSCA and would be harmful to its character and appearance.

18. In support of the application the appellant submitted an Employment Land Assessment. The Council have raised no issues with the content of the report, I have no reason to disagree, and the loss of the commercial use would not undermine the primary function of the locality. I have no substantive evidence that the existing use would not find alternative premises. Notwithstanding this, there are concerns with the loss of the active frontage to the ground floor would be detrimental to the HSCA.
19. Although the area is defined by predominantly retail, restaurants and commercial uses there are residential properties. I am not convinced that the loss of the retail/commercial space at ground floor and lack of active frontage would diminish the character of the Central Retail Area, given the buildings current use and that the frontage offers little to the corresponding adjacent retail premises. I also acknowledge the appellant's comments in regard to permitted development rights. However, I have not been provided with any substantive evidence that the building would meet the limitations of a Class within the GPDO² or such that an application has/ is forthcoming.
20. Taking the above points together, and mindful of the duties arising from section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the proposal would fail to preserve nor enhance the character or appearance of the HSCA and would not meet this duty, which sets out the desirability of preserving or enhancing the character or appearance of the conservation area.
21. For these reasons, the proposed development would cause harm to the character and appearance of the HSCA. It would be contrary to Policies L7 and R1 of the Trafford Local Plan Core Strategy, 2012 (CS). Taken together, amongst other things, these policies seek to preserve, protect and enhance conservation areas, require high quality design which is appropriate in its context, development that enhances the street scene or character of the area and takes account of surrounding building styles, landscapes and historic distinctiveness; and requires applications for demolition to take account of the contribution made by the building or structure to the character, appearance or special architectural interests of the area as a whole, including merits of any redevelopment.
22. Whilst the harm to the heritage asset would be less than substantial, I must nonetheless give this considerable importance and weight in the context of a duty to favour preservation or enhancement.
23. Paragraph 202 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
24. The proposal would secure new residential units and boost the supply of new homes in line with paragraph 60 of the Framework. It would be within a sustainable location, which has good accessibility to local services, facilities, and public transport, and these are benefits of the proposal. Although, the scheme would only deliver 5 no. new residential apartments, in view of the position on housing delivery in the Borough this carries moderate weight in support of the proposal.

² The Town and Country (General Permitted Development) (England) Order, 2015 as amended.

25. In addition, there would be limited social benefits in providing the apartments and some limited economic benefits accruing from the construction period and occupation of the new residential units. I have also had regard to the heritage benefits of the proposal which would result in the removal of some negative elements of the original building by its replacement. Nevertheless, even if I were to consider such benefits, they would carry limited weight.
26. The Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. I have found that the public benefits would cumulatively attract moderate weight and would not therefore outweigh the harm found to the significance and the weight to be given to the conservation of the heritage asset. Accordingly, I conclude the proposal would neither preserve nor enhance the character or appearance of the HSCA.

Archaeology

27. Paragraph 194 of the Framework requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and not more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, to consult the relevant Historic Environment Record (HER) and assess the heritage assets using appropriate expertise where necessary. Where a site includes heritage assets with archaeological interest, it requires developers to submit an appropriate desk-based assessment, and where necessary a field evaluation.
28. The CAA advises there are no known archaeological investigations that have been carried out within the HSCA. However, there is one site which is identified within the Greater Manchester HER (GM HER). This relates to the site of John Siddeley's Brewery to the west of the station, on the site of the clock tower. Although, there are no visible remains within the HSCA it has a long history as a settlement, likely to be dated back to the 7th or 8th century. This increases the likelihood of below-ground deposits relating to earlier structures and human activity, although with later development there is unlikely to be substantial remains.
29. The application was supported by an archaeological assessment³ (AA). The AA details that the building is a 20th century alteration of a predecessor existing in 1875, associated as a warehouse to a timber yard with cottages attached, but is unclear when the building was extended and remodelled. The AA considers the archaeological importance of the site, and its potential for below-ground remains low. There are potential options for further investigations including the recording of existing buildings and a watching brief during excavation but sets out this would be disproportionate to impose. The AA concludes that no further work should be considered.
30. Greater Manchester Archaeological Advisory Services (GMAAS) were consulted as part of the proposals. GMAAS have considered the content of the AA and disagrees with the conclusions in regard to the heritage significance represented by the structure(s) and the potential for any below-ground remains. Whilst they confirm that there has also been a lack of consultation

³ Archaeological Assessment, Garry Miller, January 2021

with the GM HER. Because of the uncertainty as to the initial construction date, and gradual phasing of all the components of the buildings within the site are uncertain, potentially associated with a timber yard from c.1875, and potential for below-ground archaeological remains. GMAAS require further archaeological investigations should be carried out and these are justified.

31. I acknowledge the appellant's AA and rebuttal heritage statements on archaeological matters. However, this evidence is replicated mainly from the detail within the CAA, and without HER consultation with GMAAS. Thus, given the lack of satisfactory information, evaluation, and that there is potential for there to be archaeological remains at the site. I cannot be sufficiently certain that archaeological remains would not be found, and I agree that the site merits further investigation. Therefore, it would be necessary to undertake those field evaluations to fully consider the archaeological implications of the proposal and identify any required mitigation.
32. I do not consider pre-commencement conditions to be appropriate in this regard as assessment and evaluation ought to take place prior to the determination of a planning application, in order to predict the presence of remains and assess their potential significance. Without further field evaluation and assessment, it is not possible to fully consider the archaeological interests within the site and what the effect of the proposed development would have.
33. Consequently, the proposal would not accord with relevant archaeological protection, preservation and enhancement aims of Policy R1 of the CS. It would also be in conflict with paragraph 194 of the Framework, which requires, on sites where there is archaeological interest, or potential such interest, an appropriate desk-based assessment, and where necessary, a field evaluation.

Living Conditions – neighbouring occupiers

34. There are a significant number of residential properties that are positioned to the front, side, and rear of the site. Those properties to the rear form a row of terraces along Bath Street and are separated by a boundary wall and alleyway. The rear gardens adjoin the alleyway and rear elevations contain numerous windows, including dormers that directly look upon the appeal site.
35. Despite the proposed use being compatible with surrounding uses. The proposal would result in a building being much larger in terms of height, width and footprint than the existing building. The ground floor and first floor elevations would be constructed in close proximity to the boundary wall and the rear of those properties and private rear gardens.
36. The large rear elevations would appear overly dominant, when viewed from within those properties and rear garden areas, particularly by occupiers of the dwellings looking across from windows and up from within their gardens. The overall impact and significant loss of outlook would be exacerbated by the increase in built form, massing, height to three-storeys and the reduction in gap which provides a spatial break currently afforded for those existing properties between No.145A and 145.
37. Therefore, the proposal would be seen as overpowering and imposing to those neighbouring rear occupiers to the detriment of their outlook and the existing

relationship would be significantly and detrimentally altered between the appeal site and those properties on Bath Street. Furthermore, the limited distance, siting and increases in height between the proposal would likely result in those properties experiencing some overshadowing as properties are located south facing with small private rear garden areas.

38. In addition, the design of the proposed building would incorporate openings and a roof terrace at a higher level, that face towards those dwellings and rear gardens, even with the third-floor setback. There would also be a recessed balcony on the side gable elevation at first floor. Given the proximity of the proposal to those neighbouring occupiers, the position of openings, the balcony and the terrace and the intensification of a residential use in comparison to the existing commercial. It would result in overlooking across and into both the properties and garden areas, throughout the day and night causing a detrimental impact to their privacy, currently afforded.
39. The proposed obscure balustrade would do little to prevent this, or the recessed balcony as future occupiers of the apartments using the roof area or balcony would still be able to look over and downwards across to the properties and gardens.
40. The residential property to the side of the site (No.145) consists of flats and directly adjoins onto the appeal site. As I observed at the time of the site visit, there are lightwells, these serve a bedroom of Flat 1. Although, there is existing limited light to this room due to the size of the lightwell. The side gable of the proposed building would be closer and higher, impacting further and restricting that natural light and outlook afforded. Moreover, the outlook and privacy from the kitchen windows of Flat 1 would be further impeded given the proximity of the side gable and that it would incorporate several large habitable windows/openings from bedrooms, a recessed balcony with access at first floor, the ground floor garden terrace and outside storage areas. All to the detriment of the existing living conditions of the occupiers of No.145.
41. I acknowledge that the appellant has tried to address those concerns of the neighbour, and that planning permission would not override any legal rights of access, including maintenance. However, this does not justify the harm that would be caused by the proposal to any existing or future occupiers of No.145.
42. Consequently, the proposed development would result in substantial harm to the living conditions of neighbouring occupiers, with regard to overshadowing, outlook and privacy. It would be contrary to Policy L7 of the CS, which seeks to protect amenity including that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing, overlooking, visual intrusion or in any other way.
43. Also, it would clearly be at odds with the Council's guidance relating to minimum distances for new dwellings, including flats, relating to privacy and overshadowing contained within Trafford Borough Council, Planning Guidelines, New Residential Development, 2004, sections 11 and 12.
44. *Living Conditions – future occupiers*
45. The Council contends that the apartments would be of a poor standard and fail to meet the nationally described space standards⁴ (NDSS). Paragraph 130 of

⁴ Technical housing standards – nationally described space standards, 2015 (amended 2016)

the Framework ensures developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Footnote 49 sets out that policies may also make use of the NDSS, where the need for an internal space standard can be justified.

46. In this case, the CS pre-dates the NDSS, and there are no relevant policies that require compliance or refer to internal space standards, including CS Policy L7. Even if, I was to consider the NDSS, I have no substantive evidence from the Council in regard to the reasons or justification why each individual apartment would not meet internal space standards.
47. Nevertheless, it appears that bed 2 to apartment 4 would only be served by one rooflight and bed 1 by a rooflight with a limited opening facing the other recessed balcony access doorway. There would be almost no direct light or outlook within the kitchen/dining area other than an opening facing the recess. The outlook from the snug area would be restricted by the enclosed roof terrace and proposed high walls. Apartment 5, bed 2 would only be served by a rooflight.
48. Therefore, the proposal would result in restricted outlook for any future occupiers of apartment 4 and 5, particularly in the bedrooms which would not be adequate. Furthermore, given that there would be only small rooflights, likely to be at an angled position within the roof slope serving the habitable bedrooms, natural light would be restricted. The lack of natural light, particularly in the early mornings or evenings would result in inadequate and unacceptable conditions that would be detrimental to health and well-being.
49. Despite, provision being made for internal storage space, access to outdoor amenity space, dedicated cycle spaces and apartments would be accessible by the lift. This does not compensate or outweigh the inadequate internal living spaces in regard to outlook and natural light, which is worsened by the restricted nature of the site, contrived layout and openings.
50. For the reasons given above, I conclude that the proposal would not provide an acceptable standard of living conditions for all its occupants, with particular regard to outlook and natural light. It would be contrary to Policy L7 of the CS, which states development must not prejudice the amenity of future occupants.

Other Matters

51. Given the number of apartments, the proposal is unlikely to result in unacceptable levels of traffic or parking in the area and would be restricted by residential parking permits. Nor is there any evidence that to suggest the development would cause additional drainage problems, exacerbate storm water flooding incidents that have occurred in the village or cause additional noise issues/disturbance in the area than that of the existing use or existing residential properties.
52. Any disturbance during construction would be for a temporary period only. Damage caused to property during construction would be a private matter between the parties involved, as would any encroachment onto a private right of way. The proposal would provide suitable refuse/recycling storage. The concerns about demand for the proposed uses, the impact on the value of the site or nearby businesses are not matters which would justify withholding

permission. Moreover, the Council did not raise these points as reasons for refusal and I have no substantive evidence to support these concerns.

Planning Balance

53. There is no dispute between the parties that the Council cannot demonstrate a five-year supply of deliverable housing sites and the shortfall is described as 'substantial'. As such the policies most important for determining the appeal are considered out of date. However, in light of my finding in relation to heritage matters the provisions of paragraph 11 d)i of the Framework applies. Accordingly, as the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, the proposal is not sustainable development for the purposes of the Framework and therefore, the presumption in favour of sustainable development does not apply.
54. I have already identified the benefits of the proposal as part of the assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage asset. In terms of harm, the proposed development would not comply with development plan policy in respect of its failure to create high quality design and the harm that would be caused to the character and appearance of the HSCA, and the additional harm I have found to the living conditions of future occupiers and existing neighbouring properties.

Conclusion

55. The proposed development would be contrary to the development plan taken as a whole. There are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, I conclude that the appeal should not succeed.

KA Taylor

INSPECTOR