



Appeal Decision

Site visit made on 12 April 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2022

Appeal Ref: APP/Q4245/W/21/3283051
16 & 18 Kenwood Road, Stretford M32 8PT

- 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 James Paul Scott (Manchester Property Company Ltd) against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 103209/FUL/21, dated 19 January 2021, was refused by notice dated 17 March 2021.
 - The development proposed is the conversion of existing basement into 2no. self-contained 1-bed flats including new rear access, courtyard, and other external alterations to include new windows to the front, side and rear elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to outlook and light.

Reasons

3. The submitted floor plan shows the proposed layouts of the two flats to be virtually identical, with their respective bedroom located to the front of the property and the lounge/kitchen area located to the rear, leading out to the proposed courtyard area.
4. The proposed bedrooms would each be served by a lightwell to their side elevation and a high-level window to the front elevation. The lightwells however would be of minimal width and depth, and by virtue of ground levels, and the proximity of existing boundary walls and gable elevations of neighbouring properties, views of the skyline would not be possible. Consequently, levels of outlook and light in these rooms would be very poor.
5. Similarly, the high-level windows to the front elevation would be of limited depth and would not provide a satisfactory level of outlook and light. This issue is further exacerbated by the fact that the windows would look out directly onto the car parking area, which given its size would likely result in vehicles being regularly parked virtually up against the bedroom windows. Whilst I acknowledge that bedrooms are primarily used for sleeping, that does not justify the poor level of outlook and light which would be provided.
6. The lounge/kitchen areas would also each be served by a lightwell to their side elevation, as well as a window and door on the rear elevation facing out into

the proposed courtyard area. As described above, the proposed lightwells would contribute little in terms of providing sufficient levels of outlook and light, and in particular the lightwell to 18 Kenwood Road which is considerably narrower than the other three lightwells proposed.

7. The rear facing windows and doors would face a subterranean courtyard and would be the main source of light for the lounge/kitchen areas. During the application process the scheme was amended so to enlarge the courtyard area, seeking to increase light levels into these rooms. However, whilst these changes have resulted in a slight improvement in terms of outlook and the amount of sky that would be visible, I am not satisfied that the changes result in an acceptable level of light and outlook being achieved.
8. Despite views of the sky being possible from a large proportion of the lounge/kitchen areas, these views would be through relatively small openings at a partially below ground level. The dominating views, particularly from deeper within the rooms, would remain as being the courtyard walls and in particular the large existing three storey elements to the north and south which protrude beyond the rear elevation. These three storey outriggers would also negatively impact on light levels and would result in the courtyard area being shaded for large parts of the day.
9. The appellant has referred to Building Research Establishment (BRE) guidelines on the impact of light received into a dwelling. However neither a full BRE assessment or BRE daylight study have been undertaken. Whilst the appellant has provided some indicative drawings indicating lines of sight and skyline, for the reasons stated above I have concluded that the proposed development would not achieve acceptable levels of outlook and light.
10. Paragraph 125 of the National Planning Policy Framework (the Framework) also states that where there is an existing shortage of land for meeting identified housing needs, when considering applications for housing, a flexible approach should be taken in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of the site. Such an approach however is subject to the resulting scheme providing acceptable living standards which, as I have identified above, would not be achieved by the appeal proposal.
11. I therefore conclude that the proposed development would result in unacceptable living conditions for future occupiers, with particular regard to outlook and light. The development would therefore conflict with Policy L7 of the Trafford Local Plan: Core Strategy (2012) which, amongst other things, seeks to ensure that developments do not prejudice the amenity of the future occupiers of the development by reasons of overbearing, overshadowing or in any other way. It would also be contrary to the overarching aims and objectives of the Framework.

Other Matters

12. Several neighbour consultation responses were received including two which did not object to the proposed development itself, but instead referred to the poor external condition of the appeal property. This was with particular regard to the condition of the drainpipes, brickwork, parking area and rear garden. Whilst I acknowledge these concerns, they are not matters which could be

addressed through the appeal proposal. In any case, the condition of land and property can alter and change over time and can be improved by other means.

Planning Balance

13. The Council has confirmed that it cannot demonstrate a deliverable housing land supply of 5 years. Therefore, the most important policies for the determination of the application are out of date and I am taken to paragraph 11(d) (ii) of the Framework, which sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. The proposal would provide economic and social benefits through the construction phase and the additional contributions of the occupiers to the local economy. The two new one bed flats would also contribute to the supply of housing and the Council's shortfall. Given the scale of the proposed development contributions would be modest and in some cases time limited. As such, I ascribe these benefits limited weight.
15. I accept that the property is located within an existing settlement, and thus future occupiers would have good access to services. This would however need to be the case for the principle of the proposed development to be acceptable. It would, in any event, be a lack of harm, thus a neutral matter, rather than a benefit to the scheme.
16. I have found that the proposed development would cause significant harm to the living conditions of future occupiers. This harm would be long lasting, and as such I ascribe it substantial weight. It would be contrary to the aims of the Framework in regard to its requirements for developments to promote health and well-being and provide a high standard of amenity for both existing and future occupiers, as specifically set out by section 12 of the Framework.
17. With that in mind, the adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The proposal would not therefore represent sustainable development for which the presumption in favour applies.

Conclusion

18. The proposal would conflict with the development plan, when taken as a whole, and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR