



Appeal Decision

Site visit made on 7 June 2022

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2022

Appeal Ref: APP/U4230/W/22/3291305

1 Fountain Street, Eccles M30 0GW

- 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 Mrs B Humphries against the decision of Salford City Council.
 - The application Ref 21/78272/FUL, dated 10 August 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as erection of two storey building to accommodate eight no. two bedroom residential flat units with associated external works, landscaping, car parking following demolition of existing building on the site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of proposed development on the Council's Decision Notice refers to the application being a re-submission of a previous application, ie Ref 20/74958/FUL. I have used the description provided on the application form, which does not include reference to the previous application. In any event, the reference to the previous application does not describe development, therefore it is not required in the description.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area, and
 - whether the proposal would provide satisfactory living conditions for future occupiers.

Reasons

Character and appearance of the area

4. The site comprises an irregular shaped piece of brownfield land that has been in commercial use. There is a single storey commercial building sited towards the north-western corner and the rest of the site is mainly covered with hard standing.
5. The site is surrounded by residential properties and a small, off-street residential car parking area. The surrounding properties consist of a mix of terraced, semi-detached, and detached dwellings mainly two-storeys high. A recent development on the corner of Fountain Street and Barton Lane includes

a small number of three storey town houses, and there are four-storey blocks of flats on the north-western side of Barton Lane. The surrounding area is characterised by modest-sized residential properties that include well-proportioned and distributed fenestration openings. The Barton-Upon-Irwell Conservation Area (CA) lies to the west of the site.

6. I accept that the general form, scale, roof ridge and eaves heights, and size of fenestration openings of the proposal are generally in keeping with surrounding properties; as are the proposed external materials (details of which could be controlled by condition, should I have been allowing the appeal).
7. However, there would be large expanses of plain, bland brickwork on most of the proposed front and rear elevations of the staggered, terraced units. This would result in the overall appearance of the terrace being stark and lacking design detail. It would look like some fenestration openings had been missed. I acknowledge the use of stone cills would, to a minor degree, provide a mix of materials and break up the mass. However, the stone cills on their own would be insufficient to break up the expanse of brickwork on the elevations that lack fenestration openings and/or other means of breaking up the plain, bland areas.
8. Solely for this reason, I conclude that the proposal would have a detrimental impact on the character and appearance of the area. As such, the proposal does not accord with saved Policy DES1 of the City of Salford Unitary Development Plan 2004-2016 (2006), (UDP), design policies in the National Planning Policy Framework (the Framework), or guidance in the Shaping Salford-Supplementary Planning Document: Design, 2008 (SPD). Collectively, and among other things, these policies and guidance require new development to create high quality, beautiful buildings and places that are visually attractive and delight the senses. Additionally, development should be sympathetic to and respond to local context and character taking account of features that contribute to townscape quality.
9. The appellant emphasises that the proposal is identical to that granted planning permission in 2007, Ref 07/54666/REM, when it was deemed to accord with Policy DES1 of the UDP. However, as noted by the Council, national planning policy and guidance has changed considerably since the previous application was approved. Such changes have placed much more of an emphasis on design than was previously the case. Because of the changes at national level, noting that the Framework is a significant material consideration, it is possible that judgements currently made by Council Officers regarding design will differ to those made by Officers around 15 years ago, as design standards are higher.

Living conditions – future occupiers

10. As the flats are numbered differently on the various plans, I shall refer to the flat numbers provided on the plan that shows the proposed layouts of the ground and first floors, ie plan Ref 2785/AL/1002A.
11. The Council has raised concerns regarding the amount of natural light the lounge/dining rooms would receive in flats numbered 2, 6 and 7. These rooms would be open plan, and although the Council has concerns about the lounge/dining areas being served by only one window located on a side elevation facing east or west, the open plan rooms also include kitchen areas with a window located close to them. As such, the open plan

lounge/dining/kitchen rooms would each be served by 2 windows, one close to the kitchen area, facing north or south, and the other located at one end of the lounge/dining area, facing east or west.

12. The proposed building would be orientated such that the front elevations would broadly face south, the rear elevations broadly north and side elevations east and west respectively.
13. Due to the proposed layout of the site, there would be much more space between the fronts of the properties and the proposed boundary fencing and neighbouring properties beyond, than there would be between the rear of the properties and the proposed boundary fencing and neighbouring properties beyond the rear boundary fence. Consequently, as a generalisation, rooms served by windows at the rear of the proposed units, facing north, would tend to receive less light than rooms served by windows on the front of the units, facing south.
14. Notwithstanding, bearing in mind the proposed size of the open plan lounge/dining/kitchen rooms, the orientation of the proposed staggered terrace and the space there would be around the terrace, and the fact that each of the rooms would be served by 2 windows, I consider the open plan lounge/dining/kitchen rooms in flats 2, 6 and 7 would receive sufficient levels of natural light. As such, I conclude that the proposal would provide satisfactory living conditions for future occupiers.
15. The proposal therefore accords with saved Policy DES7 of the UDP and sub paragraph 130 (f) of the Framework, which require, among other things, new development to provide satisfactory or high standards of living conditions for future occupiers.

Other considerations

16. As the uses surrounding the site are primarily residential, replacing a commercial use on the site with a residential use would be of some social benefit to occupiers of existing neighbouring properties in terms of their living conditions. For example, the removal of noise created at the site and the removal of commercial vehicles entering and leaving the site. However, as I have not been provided with any evidence that suggests the existing commercial use has caused significant harm to existing occupiers, I attach limited weight to this matter.
17. The proposal would also be socially beneficial in that it would contribute 8 residential units to the housing needs of the area. Although the Council has a healthy supply of land for housing development, the proposal would contribute to the Government's aim of boosting the supply of housing. I therefore attach moderate weight to this matter.
18. There would be some economic benefits from the proposal both during the construction phase and with future occupiers contributing to the local economy. However, as these would be of a minor scale, I attach limited weight to them.
19. The appellant suggests that removing the commercial use from the site would have an environmental benefit by preventing any further pollution of soil or groundwater. However, I have not been provided with any substantive evidence which demonstrates the extent of environmental impact from the

existing use. As such, I am not able to quantify any environmental benefit that may ensue from the proposal. I therefore attach little weight to this aspect.

20. I acknowledge that the site is located with suitable access to transport links and services and facilities, and that the proposal would not have a detrimental effect on the living conditions of occupiers of existing neighbouring properties. However, these aspects are requirements of planning policy anyway and therefore do not attract any additional weight in support of the proposal.

Other Matters

21. Although concerns have not been raised about the effect of the proposal on the CA, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the CA.
22. The CA mainly derives its significance from the contribution made by the crossing of the Manchester Ship Canal by the Bridgewater Canal to the transport network and the industrial revolution, via the Grade II* listed Barton Swing Aqueduct. Additionally, the CA includes the Barton Road Swing Bridge, a Grade II listed structure, and a Grade I Listed Church, Church of All Saints, designed by the well-known architect E.W. Pugin.
23. I consider the site is located within the setting of the CA. However, I consider the contribution setting makes to the significance of the CA varies, according to which part of the CA is being dealt with. In this instance, although the site is not that far from the boundary of the CA there is existing development located between the site and all stretches of the CA boundary within proximity of the site. Given the relatively small-scale nature, including low height, of the proposal, I consider it would have a neutral effect on the setting of the CA.
24. The appellant contends that the Council issued the Decision Notice without consulting/working with them to overcome concerns, as advised in paragraph 38 of the Framework. I have not been provided with any details regarding the matter, but I suggest that if the appellant has concerns about the way the application was processed this should be taken up with the Council.

Planning Balance and Conclusion

25. Notwithstanding my conclusion regarding living conditions for future occupiers, I have found that the proposal would significantly harm the character and appearance of the area. As such, the proposal does not accord with the development plan taken as a whole, or design policies in the Framework. There are no other considerations as outlined, including the Framework, that would lead me to conclude other than in accordance with the development plan. For the above reasons, I therefore conclude that the appeal is dismissed.

J Williamson

INSPECTOR