



Appeal Decision

Site visit made on 27 June 2022

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2022

Appeal Ref: APP/Q4245/W/22/3293093

Land to the west of Barton Road, Davyhulme, Urmston, Trafford, Greater Manchester

- 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 John Matthews, (Eccleston Homes Ltd and Cornell Group), against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 103696/FUL/21, dated 22 February 2021, was refused by notice dated 26 January 2022.
 - The development proposed is the demolition of existing buildings and erection of 71 dwellings including a mix of houses and apartments, together with associated infrastructure, access, internal roads, footpaths, landscaping and open space as well as the provision of 6 no. parking spaces for residents of Brook Terrace.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. However, it is clear from the submitted evidence that the development changed during the course of the planning application. The amended description was reflected in the decision notice and the appeal form as "Demolition of existing buildings and erection of 37 dwellings together with associated infrastructure, access, internal roads, footpaths, landscaping and open space as well as the provision of 6 no. parking spaces for residents of Brook Terrace". The Council determined the proposal on that basis and so have I.
3. The appellant has submitted a planning obligation, in the form of a Unilateral Undertaking (UU), which contains contributions and measures for on-site affordable housing, biodiversity, education, open space and traffic regulation. The Council has justified the measures and contributions and I am satisfied that the provisions of the UU would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended) and the tests set out at paragraph 57 of the National Planning Policy Framework (the Framework), thus I have taken them into account. I shall return to weight in the planning balance below.

Main Issue

4. The effect of the proposal on the character and appearance of the area, with particular regard to the quality of design.

Reasons

The appeal site and its surroundings

5. The appeal site is a large plot of land to the west of Barton Road which is currently in use as a scrap yard/storage area. It comprises a mix of vegetation, hardstanding, a number of large metal sheds and warehouses in disrepair and two derelict brick buildings which are identified as being non-designated heritage assets (the NDHAs).
6. To the east of the site, and on the opposite side of Barton Road, are rows of traditional terraced dwellings and there is a recent development consisting of a three storey block of flats opposite the appeal site. Around the nearby roundabout there is a mix of characterful buildings and non-descript commercial properties and there is also a predominance of semi-detached housing in the wider locality.
7. All in all, although the locality has a very mixed character with no one particular architectural style prevalent, by virtue of the varied design, layout, form, scale and materials of the built form, the busy thoroughfare and the nearby commercial centres, the area is on the periphery of the urban area and has a much closer affinity to it than the more suburban residential side streets. As such, the immediate locality has a strong urban feel.
8. I note the landscape and wildlife designations on the northern part of the appeal site, along with the relationship with the adjacent green spaces. I also acknowledge that part of the site would have had a greener appearance prior to its recent clearance. However, this section of the site nevertheless appears to have experienced landfill and external storage which has severely impacted on its condition and, overall, the site has a somewhat neglected and industrial appearance within this wider urban setting. I cannot therefore agree with the Council that the site has a semi-rural and green character.

Design of the properties

9. Following limited variations to the proposed dwellings along the Barton Road frontage, those properties would largely reflect the existing rows of terraces and relate well to the recent flatted development opposite. Their siting, scale and design would contribute towards reintroducing a sense of enclosure along this part of Barton Road.
10. The remaining properties within the development would be considerably articulated with elaborate detailing and a range of materials and finishes. The design approach would provide for a degree of variety whilst making references to the local vernacular. Despite these features however, the scale, form and massing of these properties would be similar, namely they would be large detached dwellings set in a generous plot with off-street parking to the front/side.
11. The overall visual effect would be a development with a strong suburban character. It would clearly not be a bespoke approach which has been led by or integrates with its wider urban context. The lack of any meaningful connection or resemblance to the surrounding built form, its close-knit urban grain and high density would result in a development which jars with the wider area. It would therefore fail to be a relatable area for people to live, visit or pass through.

12. I acknowledge that some properties within the centre and outer limits of the site may not be visually prominent from the existing highway. Nevertheless, a significant proportion of the development would be readily discernible from Barton Road and, moreover, the development would be a through route for pedestrians and cyclists. As such, the development's incongruity would be widely apparent and perceived in its surroundings by visitors to the site and those passing by and through.

Layout of the development

13. The central estate road through the development would be a dominant feature due to its length and positioning within the centre of the site. Its curvilinear route would fail to distract from its predominance but rather it would exacerbate the suburban character of the development through the resultant staggering of the proposed dwellings.
14. The drives which would run off the central estate road, leading to properties and parking areas, would be viewed as publicly inaccessible due to their varying material and general appearance and thus would create a sense of exclusion and separation from the main estate road. Consequently, the central estate road would retain its prominence thus the development would appear highway focused. I note the areas of parking to the rear of the proposed dwellings on Barton Road have been reduced and landscaping is interspersed through it.
15. The proposed development would also have two distinct character areas, comprising the affordable dwellings to the front along Barton Road, and the larger detached dwellings within the main part of the site. This arrangement of property types, combined with the hierarchy of streets and drives, would limit the potential for social interaction particularly at the outer extremes of the development and thus would further create a sense of segregation for some users, whether actual or perceived.
16. This would be further exacerbated through the proposed siting of the open-space. Whilst somewhat determined by the flood risk designations, the space would nevertheless be highly enclosed due in part to its considerably lower siting from the surrounding built form. It would also be notably separated and disconnected from the extremities of the development thus it would not function well for all users. This lack of sensitive integration into the development would cause this space to feel unsafe, unsocial, not fully inclusive and an unpleasant place which people would not be drawn to or want to use.
17. Collectively, the aforementioned concerns result in a proposal which fails to draw inspiration from or relate well to its wider surroundings and identity and lacks inclusion and integration. Therefore, it would not have enduring distinctiveness and would fail to create and sustain a sense of ownership and community for future residents.
18. I note the various iterations which the proposed development has gone through, including the various options sketches and appraisals, albeit I am not convinced that other options for the site have been comprehensively explored. Regardless, in the interests of procedural fairness, I have determined this appeal based on the plans which the Council based its decision on.

19. I have not been provided with the full details of the recent development opposite the appeal site on Barton Road. Nevertheless, this appears to be an affordable housing development and I note that in the street scene it broadly reflects its urban context through its three storey height, compact layout and overall massing. As such, direct comparisons cannot be made between this example and the appeal proposal.
20. Taking all the above into consideration, due to the poor quality of design the proposal would harm the character and appearance of the area thus it would conflict with Policy L7 of the Trafford Local Plan: Core Strategy (January 2012) (the CS) which seeks, amongst other things, to ensure that developments are appropriate in their context and address density, massing, layout, elevation treatment and hard and soft landscaping works, amongst other things.
21. The latest iteration of the Framework reinforces the requirement to achieve well-designed places. Paragraph 130 seeks to ensure that developments are visually attractive as a result of good architecture, layout and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change; and establish or maintain a strong sense of place using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit, amongst other things.
22. This emphasis on design is further bolstered by the National Design Guide (the NDG), which was published in October 2019 and outlines the Government's priorities for well-designed places that are beautiful, healthy, greener, enduring and successful. It also illustrates how this can be achieved in practice and seeks, amongst other things, to ensure development relates well to the site as well as its local and wider context.
23. Therefore, for the reasons noted, the proposal would also conflict with the Framework and the NDG in their collective aim for beautiful, well-designed places which respond to local identity. In coming to this conclusion, I have also had regard to the Council's Planning Guidelines, New Residential Development (September 2004).
24. Given the importance of and significant emphasis on high quality and beautiful design, I afford the harm to the character and appearance of the area very substantial weight.

Planning Balance and Conclusion

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is in conflict with the development plan as a whole, given the harm and the conflict with the policies that I have identified above. It is therefore necessary to consider whether there are material considerations which indicate that permission should be granted.
26. The Framework is one such consideration as the Council accepts that it cannot identify a five year supply of housing land. I note that the latest interim update indicates a considerably higher figure than the most recent monitoring results. This appears to be as a result of a number of assumptions and measures which

the Council has implemented to address the shortfall, including active engagement with landowners and developers to ensure sites are brought forward. Whilst these measures are expected to reduce the length of time which the housing supply shortfall may persist, this assumption cannot be guaranteed.

27. On the evidence before me I am unable to reach a definitive conclusion on the extent of the current shortfall, which appears to range between 2.58 and 4.41 years. Regardless, there nevertheless remains a shortfall against which the provision of additional homes must be set.
28. In this context, paragraph 11 d) ii. of the Framework states that 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.
29. The proposal would advance the Government's objective of boosting the supply of housing through the provision of 37 homes, 9 of which would be affordable. Although the affordable housing provision is policy compliant and thus provides no more than would be expected by this type of development in the borough, this provision nevertheless provides obvious social and economic benefits in an area of need. Regardless of whether the lower or higher shortfall figure is considered, the delivery of market and affordable homes represents tangible benefits which carry moderate weight, as 37 dwellings would not be significant in terms of the overall deficit.
30. There would be economic and social benefits of the development. These include short-term, temporary jobs during construction, including apprenticeships, and long-term benefits on occupation through support for local shops, services and facilities and expenditure contributing to the local economy. Given the scale of the development, I afford these benefits moderate weight.
31. The proposal includes a package of green infrastructure both on and off site, many of which would be a result of the proposed development and thus would constitute mitigation. Nevertheless, the improved connections to the adjacent green space would result in benefits to existing and future users and it has been agreed that there would be some overprovision of green infrastructure. This attracts moderate weight in favour of the proposal.
32. The proposal would achieve a biodiversity net gain through the on-site measures and a financial contribution. The evidence indicates that a 10% net gain would be achieved however it is also suggested that this figure would likely be significantly higher taking into consideration the actual baseline position, albeit no exact figures have been provided. Nevertheless, I afford this benefit significant weight.
33. The development would include on-site open space which would be publicly accessible and there would be improvements to the currently neglected appearance of the site. However, I have found that the proposal would result in a development of poor design, including its open-space element. Therefore, even taking into consideration the exceedance of open space beyond the requirements, these matters are afforded limited weight in favour of the proposal.

34. It has been suggested that the proposal would improve existing parking arrangements and noise for existing residents at Brook Terrace however there is no conclusive evidence before me that there are particular issues in this regard. In terms of outlook, although the appeal site has a somewhat neglected appearance, this mainly stems from the existing buildings which are not directly to the rear of Brook Terrace. Accordingly, I afford these matters limited weight.
35. It is suggested that the proposal would improve the setting of the nearby Grade II listed Davyhulme Circle War Memorial and the non-designated Nag's Head Public House. Given the distance to these assets, along with the intervening buildings and features, the appeal site currently makes, and the proposal would make, a neutral contribution to their significance. As such, their setting would be preserved. The lack of improvement and indeed any harm to the setting of these heritage assets is a neutral matter in the planning balance.
36. The majority of the contributions and measures within the UU provide mitigation only. Similarly, the revenue generated from Council Tax would not represent a benefit as it would be a means for the council to address the costs arising from the corresponding increase in population and thus the demand on local services. The appeal site's accessible location represents an absence of harm thus I afford this matter negligible weight.
37. In terms of adverse impacts, the proposal would involve the total loss of the NDHAs at the appeal site (Brook House and Willowbank). Paragraph 203 of the Framework advises that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
38. The significance of Brook House is largely derived from its historic value, particularly its former agricultural connection. Willowbank is noted for its architectural style and stature and the narrative it provides of the former agricultural area. The evidence indicates that both properties are in a precarious condition, particularly Brook House which has been classed as dangerous, and demolition of both may be unavoidable regardless of the outcome of this appeal. This correlates with my observations during my site visit.
39. The total loss of the NDHAs weighs against the proposal. However, although both have local historical interest, their poor condition has caused them to appear as dilapidated features and the surrounding built form has lessened their association with and understanding of the former agricultural land. Collectively, this has compromised their significance. As such, there would be limited harm from their loss and I afford this matter insignificant weight.
40. There are a number of considerations that weigh heavily in favour of the proposed development. However, the prevailing consideration is the quality of design. The Framework clearly sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It goes on to state that developments should be sympathetic to local character and history, including the surrounding built environment, and establish a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit.

41. The proposed development would be of a poor design which would harm the character and appearance of the area and to which I afford very substantial weight. Therefore, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The appeal scheme would not therefore be sustainable development for which the presumption in favour would apply.
42. The development conflicts with the development plan when considered as a whole and there are no material considerations, including the Framework, which lead me to a decision other than in accordance with it. For these reasons I therefore conclude that the appeal should be dismissed.

H Ellison

INSPECTOR