



Appeal Decision

Site visit made on 6 September 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 7th October 2022

Appeal Ref: APP/U4230/W/22/3294459

212 Cleggs Lane, Little Hulton, Worsley M38 9RQ

- 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 Karl Crompton against the decision of Salford City Council.
 - The application Ref 21/78694/FUL, dated 21 October 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a single storey front and side extension in addition to a new access to first floor flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The emerging Salford Local Plan (ELP) was referenced in the decision notice. This has not been adopted but is advanced in terms of its preparation. In accordance with paragraph 48 of the National Planning Policy Framework (Framework), weight may be given to relevant policies in emerging plans according to the stage of preparation of the plan, and the more advanced its preparation, the greater the weight that may be given. Given its advanced stage, I attribute moderate weight to the relevant policies of the ELP.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the property and surrounding area.

Reasons

4. The appeal site is a former public house located on Cleggs Lane, between the junctions with Falcon Drive and Eastham Way. It comprises a range of commercial uses, with a residential flat at first floor and convenience store along the Cleggs Lane frontage. It also has a single storey side element projecting towards Eastham Way. It is within the defined urban area of Little Hulton which in the immediate vicinity contains a mix of both commercial and residential uses, with a variety of style and design among the built form.
5. The proposal would be constructed from materials to match the existing building and would replicate the current rhythm of glazing and design of the frontage. The appellant submits that it would represent an extension of 17% in the context of the overall building.
6. Nevertheless, the proposal would project 3 metres from, and span the entire width of, the current frontage such that it would read as a significant level of

built form and increase the prominence of the property at the site. The additional bulk would fail to respect the current, more modest character of the building or its general scale and proportions. It would result in the premises appearing bottom heavy such that, despite the single storey nature, the combination of elements proposed would read as a busy and overwhelming addition to the property.

7. Although it would retain a setback from the pavement, due to the prominent position of the site between two junctions, the proposal would result in the property being dominant within the streetscene. Even among the variety of surrounding built form and inconsistent building lines, it would appear jarring due to the bulky and imbalanced proportions resulting from the sizeable ground floor additions. Overall, it would appear unduly prominent within, and visually detract from, the surrounds.
8. Permission has previously been granted for a flat access and side extension of the type proposed. These are discreetly located to the side of the property and represent a modest addition of built form. However, the proposal also incorporates the front extension. While the depth of this extension has been reduced from a previous application, when combined with the approved elements, it would nevertheless result in an overall disproportionate addition to the building. As such, even acknowledging the extant permission the proposal in its entirety would result in significant visual harm.
9. For the reasons given I find that the development would have a significant adverse effect on the character and appearance of the property and surrounding area. As such, it would fail to accord with Policies DES1 and DES8 of the City of Salford Unitary Development Plan 2006, which seek to ensure that development responds to its physical context, adopts high design standards and that extensions respect the original structure and complement the character of the area. It would also fail to accord with emerging Policies D1 and D8 of the ELP, which seek to ensure a high standard of design and that extensions respect the original building, and with the principles of the National Design Guide, which seek to ensure new development responds positively to the features of the site and surrounding context.

Other Matters

10. Little Hulton is identified as an area where deprivation levels are high. The proposal would optimize the use of the land by providing an enhanced shopping facility accessible to the local community by a range of travel modes. It would improve the retail space and allow for a greater offering, including healthy foods. The appellant further submits that it would permit an increase in aisle widths to ensure accessibility for disabled customers and would provide the opportunity for a delivery service. The proposal would also create additional jobs, and result in the expansion of the neighbouring office, as well as providing a place for social interaction among the local community.
11. Paragraph 81 of the Framework states that decisions should help create conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The Framework also acknowledges the role that local shops can play in supporting healthy lifestyles and enhancing the sustainability of local communities. Accordingly, significant weight is attached to the cited benefits of the proposal.

12. However, the Framework also highlights the importance of well-designed places, stating development should add to the overall quality of the area, be visually attractive, and sympathetic to the surrounding built environment. I have found the proposal would have a significant adverse effect on the character and appearance of the property and area. Even acknowledging the significant weight attached to the benefits of the proposal, this identified harm would not be outweighed.
13. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination and to advance equality of opportunity. As the proposal would assist disabled customers in allowing for accessible aisles and a delivery service, it would relate to persons who share a relevant protected characteristic. It does not follow from the PSED that the appeal should succeed, rather that the benefits to disabled customers should be taken into account in the planning balance.
14. I do not doubt that the proposal would facilitate a more accessible store for disabled individuals or enable the introduction of a delivery service. However, I have limited information on precisely how this would be achieved. In addition, on the evidence submitted I am not persuaded that there are not other alternatives to the proposal that could deliver similar benefits without causing harm to the appearance of the building and its surroundings. Therefore, while I acknowledge the possibility for providing a more accessible store and delivery service, this would not outweigh the permanent harm that would be caused by the proposal to the area's character and appearance.
15. While the proposal would not result in adverse effects on the living conditions of nearby occupiers, this represents a lack of harm which is neutral in the overall planning balance.

Conclusion

16. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR