



Appeal Decision

Site visit made on 6 July 2022

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/Q4245/W/22/3293952

Land adjacent to 44 Manor Avenue, Sale M33 5JG

- 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 Ian Nolan against the decision of Trafford Council.
 - The application Ref 104012/FUL/21, dated 25 March 2021, was refused by notice dated 26 November 2021.
 - The development proposed is one pair of semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the site address from the appeal form and the decision notice, which references 'land adjacent to 44 Manor Avenue' as this more accurately reflects the location of the appeal site than the application form.

Main Issues

3. The main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of neighbouring occupiers with particular regard to light and outlook.

Reasons

Character and Appearance

4. The appeal site is a vacant parcel of land that is situated between 44 and 46 Manor Avenue. The surrounding area is predominantly residential, formed mainly of semi-detached dwellings. These are set back from the road, behind garden areas and tree lined grass verges along the road which gives the area a spacious character. There is a strong degree of uniformity provided by the two storey bays, some of which have gable features above, as well as the predominant hipped roof arrangements and the use of brick as the facing material.
5. The pair of dwellings proposed would be generally consistent with others in the area in terms of their height and the proposed use of sympathetic materials, but the proposed gable-end roof form design would not respond to the predominate use of hipped roofs that characterise the area, even if there is some variety in the design of roofs. When compared with the surrounding properties, there is also a lack of detailing around the windows and doors of the proposed dwellings. Although the proposal would replace an untidy site, the

dwelling would have a plain, unadorned appearance that would not reflect the architectural style of the surrounding built environment.

6. The proposed dwellings would extend across most of the width of the site. Although the gap to the side boundaries would be less than other semi-detached properties in the area, many of these other properties have been extended to the side beyond their original form. I recognise that some of the extensions will predate current planning policies and guidance, but they are nevertheless established features in the streetscene which form part of the character of the area. As the spacious characteristics of the area are provided by the setback of properties and the verdant frontages, I do not consider the width of the proposed properties and the limited space to the side boundaries would be harmful in this instance. The small setback of the front elevations of the proposed dwellings from the established front building line on this side of Manor Avenue would also not be prominent.
7. Notwithstanding my view on the proposal's relationship with the plot, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. As such, it would be contrary to Policies L2 and L7 of the Trafford Core Strategy (Core Strategy), which seek, amongst other matters, for all new development to not be harmful to the character of the immediately surrounding area. It would also be contrary to the New Residential Development Supplementary Planning Document (2004) (SPD) and the National Planning Policy Framework (Framework), which seek new development to be well integrated with existing neighbourhoods and to be visually attractive as a result of good architecture.
8. Reference has been made to SPD 4: A Guide for Designing House Extensions & Alterations (SPD 4), which is said to provide useful context, but this document states that this is guidance for domestic alterations and extensions and as such, is not relevant to the appeal before me.

Living Conditions

9. The neighbouring property at No. 44 has a side facing window at first floor level which would face the side elevation of the proposed scheme at close quarters. Although reference has been made to it being an unauthorised window, the evidence before me indicates that the window has been in place for an extended period. The window serves a home office, but it could be used as a bedroom as the Rightmove marketing details indicate. I note the supporting letter from the occupant of No. 44 who also confirms that all other habitable room windows are to the front and rear elevations of the property. However, given the proximity of this first floor window to the proposed two storey development, which would extend significantly to the front and rear of this window, it would present a long largely blank façade that would have a harmful overbearing impact if the room served by this window would be used as a bedroom. The position of the appeal site to the south of this neighbouring property would also result in unacceptable overshadowing to the first floor room for large parts of the day.
10. The first floor of the proposed scheme would project past the rear elevation of the neighbouring property at No. 46 by around 3.8m. The nearest rear facing windows in the rear elevation of No. 46 are set away from the common boundary and as such, the separation would ensure there is no adverse visual intrusion. At ground floor level, the proposal would project further but it would

be splayed away from this neighbouring dwelling and as such, would not have a detrimental impact on outlook. Although concern has been raised about rear amenity space at No. 46, given the size of this space and that only a limited part of the development would be near to it, I do not consider the use of this outdoor space would be adversely affected by any overbearing impact.

11. Notwithstanding this, I conclude that the proposal would be harmful to the living conditions of the occupiers of No. 44 and would conflict with Policy L7 of the Core Strategy, which seeks, amongst other matters, that development does not prejudice the amenity of occupants of adjacent properties, including by way of overbearing and visual intrusion. It would also conflict with the SPD which seeks to ensure that development is not at the expense of the amenity of surrounding properties and the Framework, which seeks at paragraph 130, a high standard of amenity for existing and future users. SPD 4 is not relevant to the appeal before me for the reasons set out earlier.

Planning Balance

12. The Council are not currently able to demonstrate a five-year supply of deliverable housing sites. The Council advanced two figures in its evidence. However, taking the worst-case scenario, the Council say there is a 3.13 supply. Regardless of which of the Council's figures that I were to use, paragraph 11 d) ii of the Framework 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 this Framework taken as a whole.
13. The development of the site would address anti-social behaviour issues and has received support from a neighbouring occupier. The design of the proposal would provide light and bright accommodation that internally would exceed national space standards.
14. The proposal would make effective use of a small underutilised, vacant site that is in an overgrown condition which does not presently make a positive contribution to the area. Concerns have been raised that should the appeal fail, this would significantly limit the potential of the site to accommodate any form of development. Given the overall dimensions of the site, I do not consider this would necessarily be the case and I have not been provided with any substantive evidence that this is the only way the site can be developed. Therefore, the same benefits set out by the appellant could potentially be realised by another scheme and I afford this matter limited weight.
15. The development would provide appropriate levels of privacy, as well as providing adequate car and cycle parking and refuse storage. Adequate landscaping would be provided and existing trees would be retained. There would be no adverse impact in terms of privacy. These are however neutral matters and not considerations which weigh in favour of the proposal.
16. The development would deliver additional dwellings that would contribute to the housing needs of the area. It receives support from national policy in this regard, but the scale of the development would be modest and it would make a limited contribution to addressing the housing shortfall. The Framework also seeks developments that add to the overall quality of the area, are sympathetic to local character and provide a high standard of amenity. The proposal would

significantly harm the character and appearance of the area and the living condition of neighbouring occupiers.

Conclusion

17. Even if I were to conclude there is a shortfall in the five-year housing land supply on the lower of the two scales suggested by the Council, I consider that the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this.
18. For the reasons given above, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR