The Planning Inspectorate

Appeal Decision

Site visit made on 20 September 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/U4230/W/22/3298355
7 Old Hall Road, Salford M7 4JJ

- 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 Halpern against the decision of Salford City Council.
- The application Ref 21/78585/FUL, dated 6 October 2021, was refused by notice dated 7 February 2022.
- The development proposed is the erection of a penthouse 2-bedroom apartment and ground floor internal alterations to merge two of the approved apartments.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (Framework) states that the weight given to relevant policies in emerging plans should be according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the plan with the Framework. The Publication Salford Local Plan (ELP) is at an advanced stage. I consider the broad aims and objectives of the emerging policies of most relevance to the appeal, to be broadly consistent with policies in the Framework. However, I have not been provided with specific details of unresolved objections to the ELP. I cannot therefore give full weight to it at present.

3. Planning permission 21/76862 has been granted for a three-storey block to accommodate seven apartments on the appeal site. I noted at the time of my site visit, that the external fabric of a three-storey block was almost complete.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. There is no particular local vernacular to the appearance of the buildings in the area and the site is not subject to any designation. However, Old Hall Road is predominantly characterised by linear frontage plots with semi-detached and detached residential properties, a relatively consistent building line with properties set behind substantial front gardens, low boundary walls and mature hedges and trees.

6. There is some variation to the scale and appearance of properties in the area and there are views over and between properties on the southern side of Old

Hall Lane, towards mature landscape features in the back gardens and beyond. Due to the presence of Broughton Park to the rear of the appeal site, the absence of built form behind the frontage is also apparent in these views. In this way, the site currently contributes positively to the pleasant, spacious and verdant character and appearance of the area.

7. The proposal seeks an additional floor to the approved three storey block to create a large apartment and ground floor alterations to combine two apartments into one, thereby maintaining the approved number of seven apartments. The resultant four storey building would be visibly higher towards the rear and the fourth floor would appear as a looming bulky addition.

8. I recognise that significant effort has been made to seek to break up the massing of the building through the substantial setting back of the fourth floor from the front face of the building and in from the sides. This, together with the use of different external materials to the rest of the building prevents an overly monotonous façade. However, notwithstanding the measures aimed at limiting the perception of the scale together with the spacing to the street derived from the parking area to the front of the building, the vertical bands of cladding and overhanging roof would serve to draw focus to the overall height of the building and emphasis its scale.

9. Neighbouring 5 Old Hall Road is a substantial building with accommodation over three floors, and it has been put to me that it is of a similar height to the proposal. However, its traditional pitched roof serves to reduce the overall scale of this building. In contrast, the upward extension of the flank walls of the proposed development, together with the spread of built form above the third floor would create a large element that would be visible from Old Hall Road. That the proposal would not be visible from certain viewpoints would not outweigh the harm caused to the appearance of the street when viewed from other viewpoints.

10. The setting in of the fourth floor from the sides would do little to moderate the sense of scale and considerable massing of the building. Moreover, the width and depth of the proposed development would diminish views towards the open aspect to the rear of the site, a predominant feature of this side of Old Hall Road.

11. The Framework seeks to ensure that development is sympathetic to local distinctiveness, while not preventing or discouraging appropriate innovation or change and I find the contemporary external design of the building to be acceptable. I also find the proposed alterations to the ground floor fenestration and the relocation of the bicycle store to be acceptable. However, the introduction of a fourth floor in this location would be in stark contrast with the scale of the neighbouring properties, particularly having regard to the single storey dwellings directly opposite.

12. I have been drawn to the meaning of Policy DES1 in the City of Salford Unitary Development Plan 2004-2016 (UDP) as this was the policy referred to in the Council's Decision Notice. The policy aims to ensure that development responds to the context of the site along with the character of the surrounding area. Harm to the immediate context of a site is likely to result in harm to the positive character of the local area. The detailed criterion within the policy sets out ways in which a proposal would be assessed. This includes, amongst other things, the relationship to other existing buildings, the impact on views and the

scale of development in relationship to its surroundings and the street's vertical and horizontal rhythms.

13. Whilst I acknowledge that building heights vary throughout the area, having regard to Policy DES1 and in the context of the appeal site, I find the scheme would cause harm to the prevailing positive character and appearance of the area.

14. In support of the proposal, the appellant refers to the scale of numerous buildings in the local area and has provided a location plan and photographs of the relevant buildings. Some of the buildings referred to, Broughton House Veteran Care Village, Devonshire Court, Sommerville Court, Eccleston Place, Leicester Court, Singleton Point and The Grange are located on spacious large corner plots alongside road junctions displaying different characteristics to the appeal site, which is located within a row.

15. The other sites referred to are located on surrounding roads. They do not affect the street scene of the road on which the proposal is located, and I do not have full details of these other developments and the considerations at the time of them being given permission.

16. However, I have been provided with a copy of the plans and decision notices associated with two applications recently approved by the Council. Application 21/78597/PR1 relates to an upward extension to a large block of apartments under the permitted development procedure and is therefore not directly comparable to a scheme seeking and requiring planning permission. Application 21/78240/FUL is relevant in so far as the approved scheme is comparable in scale and size to the appeal proposal. However, its setting differs to that of the proposal before me in that it is adjacent to a three-storey apartment block and is opposite a mix of two storey properties and large rear gardens of properties on Old Hall Road. This part of Upper Park Road exhibits a more spacious character, therefore distinct from the case before me.

17. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar development has been granted permission is not an appropriate reason, on its own, to find in favour of a proposal that would cause harm in the appeal case, a case I have considered on its own merits.

18. For the above reasons, I find that the building would cause significant harm to the character and appearance of the area. As such, it would conflict with Policy DES1 of the UDP as it requires development to respect context. It would also conflict with the Framework as it seeks those aims through well-designed places and developments that are sympathetic to local character and that maintain a strong sense of place.

Other Matters

19. A Grade II* listed building, formerly known as the United Reformed Church, and now converted to residential accommodation, is located near to the appeal site. The significance of the building is derived from its architecture, including a tall spire, and its historic religious association. Although the spire of the building is visible from the appeal site, it is physically and visually separate from this designated asset and its setting due to intervening residential development. Accordingly, the proposal would have no effect on the setting of

the listed building and there would be no conflict with section 66(1) of the Act.[1] I am satisfied that the proposal complies with the heritage protection policies of the Framework.

20. The proposal would contribute to the supply of larger apartments and increase the housing mix in a location accessible to shops and services, and I note comments in favour of the proposal in this regard. However, the proposal would not increase the number of apartments above the seven already granted planning permission on the site. There is therefore no identified benefit to outweigh the harm I have found.

21. While I note other comments in favour of the proposal, support for a proposal in itself is not a ground for refusing or granting planning permission unless founded upon valid planning reasons.

22. I have noted the appellant's comments highlighting absence of identified harm to neighbours' living conditions, highways and parking, trees and ecology. Even if I were to agree that there would be no unacceptable effects on these issues, this is a neutral factor which would not outweigh the harm identified.

Conclusion

23. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Veevers

INSPECTOR

[1] Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990