



Appeal Decision

Site visit made on 10 November 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2022

Appeal Ref: APP/Q4245/W/22/3301081

1 Lostock Road, Davyhulme, M41 0SU

- 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 Tony Reynolds (Loca Shading Designs Ltd) against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105762/FUL/21, dated 4 September 2021, was refused by notice dated 14 May 2022.
 - The development proposed is a glazed retractable awning structure to cover the front terrace.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on i) the character and appearance of the host building and surrounding area and ii) the setting of the Nags Head Public House, a non-designated heritage asset.

Reasons

Character and Appearance

3. The appeal property is a 2.5 storey red brick building with a front porch, located within a local centre consisting of predominately commercial properties with a number fronting onto Davyhulme Circle. The property is currently in use as a restaurant and includes an uncovered courtyard area to the front which is enclosed by a low brick wall and railings, with planting in raised beds which form part of the wall and provide some partial screening.
4. The proposal seeks the erection of an aluminium framed structure with a retractable PVC awning to the front of the property, covering the existing front courtyard area. The road fronting southern elevation would feature full-height sliding glass, whilst the east and west elevations to the side would feature full-height fixed glass. Although the proposed structure would be constructed using materials considered 'lightweight' it would be of substantial mass and project significantly forward of the host building's front elevation, resulting in an overly dominant and visually prominent form of development causing harm to the character and appearance of the area.
5. Despite being set back from the main carriageway due to the access road and parking area located in-between, the proposed development would be visually prominent in the wider street scene. Particularly when approaching Davyhulme Circle from the east, south and south-west, the proposed structure would

appear as a prominent and unsympathetic addition that would be out of keeping with the character and appearance of the area. Its prominence would be further exacerbated by virtue of the front elevation of the appeal property being approximately 1 metre further forward than the immediately adjacent Nags Head Public House.

6. In addition, I find that the proposed materials would not relate to the traditional design and appearance of the host property. In particular, the large expanse of glazing and sections of PVC fabric would not be in keeping with the traditionally built red brick and grey tile roof property. Whilst its glazing would afford some views through to the existing exterior walling, the proposed structure would nevertheless largely obscure the ground floor of the front elevation from view and would be out of keeping with the character of the host property.
7. I acknowledge that several other commercial properties fronting Davyhulme Circle have canopies or overhangs to their front elevations. However, these are typically retractable canvas canopies or much smaller structures which bear little resemblance to the appeal proposal. The appellant has also referred to the canopy at a nearby petrol station which I find to be an entirely different form of development which provides no justification for the appeal scheme. As a result, the proposed development would not be consistent with other canopies and overhangs on nearby commercial properties and would appear as an incongruous feature within the street scene.
8. I therefore conclude that the proposed development would adversely affect the character and appearance of the host property and surrounding area. Accordingly, the proposal would conflict with Policy L7 of the Trafford Local Plan: Core Strategy (adopted January 2012) (CS) which seeks, among other matters, for developments to be appropriate to its context and enhance the street scene or character of the area.

Non-Designated Heritage Asset

9. The appeal property immediately abuts the Nags Head Public House, which the Council has identified as a non-designated heritage asset (NDHA). The Nags Head dates from the early 20th century and is an attractive building of traditional design, constructed in red brick with stone mullions and a grey tile roof. The use of the site as a public house is thought to date back to the 16th century.
10. The appellant has not disputed its designation as a NDHA. However, I have not been made aware of any local list or other form of public information on this matter. Nevertheless, the Nags Head has heritage significance in terms of its history, and its architectural and aesthetic value which result in it making a positive contribution to the street scene.
11. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that when determining applications that affect the significance of a NDHA a balanced judgement is required, having regard to the scale of the harm, and the significance of the asset.
12. The primary views of the Nags Head public house are from the Davyhulme Circle, Hayeswater Road from the south-west, and Crofts Bank Road from the south where its front elevation is prominent in the street scene and the building

is viewed in the context of both the appeal property and further semi-detached buildings immediately to the east which are also of traditional design and red brick construction.

13. The proposed structure would project beyond the front elevation of the appeal property by over 6 metres, which in addition to its front elevation being set slightly forward of the Nags Head, would result in the proposed development projecting disproportionately forward of the NDHA. When combined with its significant mass and the use of modern materials which would fail to relate to the traditional design and appearance of the Nags Head, the proposal would appear as an incongruous feature which would adversely impact upon the primary views of the NDHA resulting in harm being caused to its setting.
14. The appeal proposal would bring about social and economic benefits as it would help support the existing restaurant business by protecting the jobs of existing staff and providing additional covered seating for which could still be used by customers during inclement weather. This benefit is of moderate weight. There would also be benefits to the local economy through the construction of process, however given the scale and temporary nature of the proposed works these benefits would be limited. Overall, I find that when taken together these benefits would not outweigh the harm would be caused to the setting and significance of the NDHA.
15. As a result, I find that, on balance, the proposed development would cause harm to the setting of the adjacent NDHA and therefore on its significance. The proposal would therefore conflict with Policy R1 of the CS which seeks, among other matters, to protect, preserve and enhance locally significant historic buildings.
16. The Council accept that Policy R1 of the CS is not entirely consistent with the requirements of the Framework in that it does not set out that when determining an application which affects the significance of a NDHA, a balanced judgement is required, having regard to the scale of the harm, and the significance of the asset. I have therefore undertaken the balanced judgement above, as required by the Framework. Accordingly, I attribute limited weight to the conflict with that policy in the decision-making process.

Other Matters

17. The appeal site is located approximately 55 metres to the north of Davyhulme Circle War Memorial, which is Grade II listed. Although the Council has raised no concerns regarding the impact of the proposed development on the setting of the Grade II listed building, I am nevertheless required to have pay special attention and have regard to the desirability of preserving the setting of listed buildings¹. Paragraph 199 of the Framework requires great weight to be given to a heritage asset's conservation when considering the impact of a proposal on its significance. The significance of the War Memorial derives from its historic interest, design, and its location at the centre of a large traffic island which enables it to stand out as a focal point and landmark.
18. Though there are reciprocal views between the appeal property and the listed building, I find that by virtue of the significant separation distance and the

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

intervening highway between the sites the proposal would not harm being the setting of the listed building, therefore preserving its significance.

Conclusion

19. For the reasons given above and taking into account the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

David Jones

INSPECTOR