



Appeal Decision

Site visit made on 22 November 2022

by Mark Caine BSc (Hons) MTPL MRTPI LSRA

an Inspector appointed by the Secretary of State

Decision date: 23 February 2023

Appeal Ref: APP/Q4245/W/22/3301467

Existing Car Park Site, Seymour Grove, Old Trafford M16 0UB

- 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 Bowman against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 105964/FUL/21, dated 27 September 2021, was refused by notice dated 24 February 2022.
 - The development proposed is described as 'The proposed construction of 12 new townhouses with associated landscape, public realm and car parking spaces and demolition of a de-commissioned sub-station'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Although one of the Council's reasons for refusal refers to the effect of the proposed development on the living conditions of the occupiers of Park Rise, there is little evidence in its statement of case or delegated planning officer report to substantiate this. Accordingly, I have not considered this in my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area.
 - Whether the proposed development would provide acceptable living conditions for future residents, with particular regard to light, outlook and privacy, and any implications in these regards for the neighbouring residents of Madison Apartments.

Reasons

Character and Appearance

4. The appeal relates to a roughly rectangular shaped area of land that is currently utilised as a car park. It sits in between two existing 10 storey high rise buildings known as Madison Apartments and Park Rise, on the eastern side of Seymour Grove. Paragon House, a similar sized high rise office block building, is also situated on the opposite side of Seymour Grove.

5. At the time of my site visit I saw that another residential apartment block, that is located directly to the east of Park Rise, and bounds the southern side of the appeal site was under construction. I am informed that this is to be called 'Trafford Plaza' and will be up to 16 storeys in height.
6. Whilst there are some 2 storey properties along Seymour Grove, some of which sit alongside high-rise properties, the immediate context of the appeal site is predominantly characterised by prominent large scale, tall buildings, that are in residential and commercial use.
7. It has been put forward that the proposal would improve the character and appearance of the area as it has been designed to appear as a low-rise apartment block, with high quality materials and planted roof terraces that would provide family housing with amenity and garden space.
8. However, I saw nothing on my site visit that would lead me to conclude that the existing car park was in an untidy state. The relative thinness of the appeal site and the layout of the 2 proposed rows of housing is such that the proposed dwellings would have very small garden areas and plot widths. Given these constraints, the proposed houses would be narrower and hence smaller than the other examples of 2-3 storey dwellings on Seymour Grove that the appellant has referred to. There would also be very little space around the 2 rows of proposed housing, with the gable ends of Terrace B in particular, being located in close proximity to the access road and eastern boundary of the site. There would also be a very stark contrast between the proposed buildings and the scale and height of their immediate surroundings.
9. Furthermore, the majority of the frontage of Terrace B would be utilised to provide car parking spaces for all of the proposed dwellings in this row. There would also be 3 car parking spaces provided on the opposite side of the vehicular access road and in proximity to the western boundary of the site, which fronts Seymour Grove. These would result in large exposed, bare, hard surfaced areas that would appear as strident and incongruous features in the street scene. When in use the parked cars would also dominate these areas. The use of varying materials and the relatively thin strips of proposed soft landscaping would not provide appropriate mitigation to overcome this harm.
10. As a result of all of the factors above, the proposal would therefore appear contrived, cramped and at odds with the predominant scale, layout and prevailing pattern of development in the immediate vicinity.
11. As such I find that the proposed development would have a harmful effect on the character and appearance of the area. It would thereby conflict with Policy L7 of the Trafford Local Plan: Core Strategy 2012 (Core Strategy). This seeks, amongst other matters, for high quality design and development to be appropriate to its context and sympathetic to local character. It would also not accord with the design objectives of the National Planning Policy Framework (the Framework), specifically Section 12, and design advice within the National Design Guide.

Living Conditions

12. Revisions were made to ensure an approximate 18 metre interface distance between the proposal and a neighbouring apartment block. However, this distance, and the Council's uncontested measurements of the separation

between the proposal and the nearest windows in Madison Apartments, Park Rise and Trafford Plaza would fall considerably short of the recommended interface distances contained within the Council's New Residential Development Planning Guidelines 2004 (PG1). Nonetheless, it does not follow that a proposal should stand or fall solely on the application of these standards and each proposal is required to be judged on its own merits.

13. I am mindful that in urban locations, housing can be much denser, and that high and low-rise developments can be located adjacent to each other. However, the significant floor heights (ranging from approximately 10-16 storeys) and the proximity of the neighbouring high-rise building's windows to the boundaries of the appeal site, the proposed dwellings, and their roof terraces and garden areas, would result in a significant amount of overlooking and loss of privacy for future residents.
14. For similar reasons, the visual bulk and considerable height of these neighbouring buildings would significantly prejudice the level of outlook from the proposed houses windows and reduce the amount of natural light to them. I also consider that the position of the rear habitable windows and rear garden areas of the dwellings in Terrace B, in relation to the direction of the sun to be such that the proximity, size and scale of the neighbouring high-rise buildings would cause an unacceptable amount of overshadowing to them. The introduction of the tree and shrub planting to the northern boundary of the site, would not overcome this harm.
15. However, I consider that the levels of light to the lower-level units of Madison Apartments have already been compromised to a certain degree by the siting of Park Rise and Trafford Plaza. As such I am satisfied that no undue amount of overshadowing or loss of light would occur to its residents. The staggered façade in Terrace B offers little in its attempt to break up the scale and massing of this row of houses. Nevertheless, given that the ground floor of Madison Apartments is concealed by walling, and there would be privacy screens on the roof terraces of the proposed dwellings, I am satisfied that the proposed houses would not cause an unacceptable loss of privacy to the residents of this neighbouring apartment building.
16. Therefore, whilst the proposed development would not harm the living conditions of the occupiers of Madison Apartments, I am unable to find that it would provide acceptable living conditions for future residents, arising from lack of light, outlook and privacy.
17. As such, conflict would arise with Core Strategy Policy L7. In this respect, it seeks to protect the amenity of the occupants of adjacent properties, including by reason of overlooking. It would also fail to accord with guidance within PG1, and paragraph 130 of the Framework which seeks a high level of amenity for all existing and future users.

Planning Balance

18. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land and I have been made aware of the Housing Delivery Test results for Trafford. Its published 3.75 year supply, as at March 2022, represents a considerable shortfall. The relevant policies of the development plan are therefore deemed to be out of date. In light of Paragraph 11 d) ii) of the Framework, 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 the Framework taken as a whole.

19. I have found that the proposed development would be harmful to the character and appearance of the area and the living conditions of future residents. These harms would be wide ranging and long lasting and would be contrary to the aims of the Framework that I have referred to above. With these factors in mind, I ascribe these matters substantial weight.
20. I note that the Council has not raised any objections to the principle of residential development and that 12 dwellings would deliver housing on previously developed land and in a sustainable urban location. However, the amount of proposed housing would provide a contextually moderate contribution to the Council's housing supply, and any subsequent economic, social and environmental benefits would be somewhat limited.
21. It has also been put to me that no statutory or other consultees objected to the proposal during the planning application stage, and that the proposal complies with all other relevant development plan policies. However, the absence of harm in these respects does not weigh in favour of the proposed development.
22. With this in mind, I attach moderate weight to the appeal scheme's benefits. As such, and bringing matters together, the adverse impacts of granting planning permission would, in this particular case, 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 applies.

Conclusion

23. The scheme conflicts with the development plan and there are no material considerations, including the provisions of the Framework, to suggest that a decision should be taken other than in accordance with it. The appeal should therefore be dismissed.

Mark Caine

INSPECTOR