



Appeal Decision

Site visit made on 14 February 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2023

Appeal Ref: APP/Q4245/W/22/3308767

Parkfield, 8 Groby Place, Trafford, Altrincham WA14 4AL

- 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 Bowdon Developments GB against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 108169/FUL/22, dated 19 May 2022, was refused by notice dated 23 September 2022.
 - The development proposed is the demolition of an existing dwelling in a conservation area, and the erection of up to five dwellings together with access, parking, drainage, landscaping, and other associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing dwelling in a conservation area, and the erection of up to five dwellings together with access, parking, drainage, landscaping, and other associated works at Parkfield, 8 Groby Place, Trafford, Altrincham, WA14 4AL in accordance with the terms of the application, Ref 108169/FUL/22, dated 19 May 2022, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Old Market Place Conservation Area.

Reasons

3. The appeal site, containing Parkfield and its spacious and verdant curtilage, is situated within the Old Market Place Conservation Area (CA). As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
4. The CA, as the name suggests, focuses on the Old Market Place, centring along the line of Market Street. It comprises commercial and civic buildings, with a smaller number of residences, all of which retain a variety of historic architectural detailing. Such buildings mark the history of Altrincham as a market town and contribute to its heritage significance.
5. The Conservation Area Appraisal (October 2014) (the Appraisal) indicates that the appeal site lies within Character Zone E (CZE), Southern Residential Area, one of several extensions to the OMPCA in 2014. CZE is said to mark the entrance to the CA from the southwest and includes a number of residential properties which are predominantly large semi-detached Victorian houses. The

Appraisal identifies the appeal site as a positive contributor within CZE, describing it as a spacious plot with landscape value which forms a significant backdrop to Groby Place and CZE. The appeal site therefore contributes to the significance of the CA.

6. Redevelopment of the site has already been established when planning permission was approved in October 2021. The existing building within the site has no architectural merit and is not prominent in views from outside of the site. Its demolition would not harm the character and appearance of the CA.
7. The appeal proposal, as with the approved scheme, comprises 5 dwellings within 2 buildings, the Main House and the Villas. The Main House in the appeal proposal and approved scheme would be the largest building, located in broadly the same position as the existing dwelling towards the rear of the site. The second building would be positioned to the side and set back from the front elevation of 6 Groby Place. The position of the proposed dwellings to the rear of a generous landscaped area at the entrance into the site is such that they would not be prominent in views from Groby Place.
8. The width and depth of the proposed buildings would be greater than the approved scheme. The bulk and massing of the Villas would also increase compared to the approved scheme through the introduction of the two storey gables on the rear elevation as opposed to single storey conservatories. Nonetheless, the Main House would remain the largest building within the site, and the hierarchy of buildings that was established in the approved scheme would be retained, albeit it would not be as pronounced.
9. The increase in the depth of the proposed buildings would bring them closer to the site boundaries, as would the proposed introduction of car ports and garages to either side of the buildings and result in a reduction in soft landscaping. This would result in a further, although relatively minor, reduction in the spaciousness within the site above the reduction arising from the approved scheme. However, the additional built form and hardstanding would not intrude into the frontage landscaped area and, as such, the backdrop to Groby Road provided by the appeal site would not materially change when compared to the approved scheme.
10. The Main House would be closer to John Leigh Park (the Park), a non-designated heritage asset, in an elevated position relative to it. The views of the development from the Park would, nevertheless, be filtered through a dense band of mature trees, even in winter. The prominence of the proposed development and its relationship to the Park would, in my opinion, be acceptable and would not be substantially changed from the approved scheme.
11. The design of the proposal would largely reflect that of the approved scheme. The changes that are proposed, including the introduction of rear gables and roof lights in the Villas, would reflect details that have already been approved and would not materially diminish their architectural interest. Furthermore, the Villas in the appeal proposal would not have a materially greater, or inappropriate, horizontal emphasis when compared to the approved scheme.
12. The Council indicate that the existing layout and expansive garden suggests that the site is of a greater status than contemporary dwellings on Groby Road. The subdivision of the garden, however, has already been established by the extant approved scheme and the appeal proposal would not change that. The

proposed buildings would still have generous curtilages and, as stated above, the spacious open frontage would be retained. Whilst larger than other dwellings on Groby Place within the CA, the scale of the proposed buildings would, nonetheless, be in keeping with that greater status.

13. I therefore find that the impact of the proposed development on the character and appearance of the CA is not materially different to the approved scheme in respect to views from Groby Place and the Park. Nonetheless, it does reduce the spaciousness of the site, diminishing the contribution that the site makes to the character and appearance of the CA, thereby leading to less than substantial harm to that designated heritage asset.
14. Accordingly, the proposal fails to preserve or enhance the character and appearance of the CA and as such there would be conflict with Policies L7 and R1 of the Trafford Local Plan: Core Strategy (LP). Such policies seek to ensure that development is appropriate in its context and that it conserves or enhances the special character of heritage assets. There would also be conflict with the Old Market Place Conservation Area Appraisal and Management (CAAMP).
15. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 202 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. I will address this in the planning balance section below.

Other Matters

16. I have had regard to the other matters raised by local residents, including loss of privacy, increased noise and activity, and issues with drainage. However, I have been presented with no substantive evidence that would lead me to disagree with the Council's conclusions on these matters and determine that the proposal would result in material harm sufficient to justify dismissing this appeal.

Planning balance

17. The proposal would provide five dwellings, which would make a positive contribution to the supply of housing particularly given that the Council cannot demonstrate a 5-year housing land supply. There would be local economic benefits arising from the construction and occupation of the dwellings. The redevelopment of an unused site, and removal of a vacant building and landscaping and biodiversity enhancements arising from the development would also be public benefits.
18. In my opinion, this combination of factors would outweigh the less than substantial harm to the significance of the CA that I have identified above. Furthermore, I note that in granting planning permission for the approved scheme, the Council also concluded such factors amounted to public benefits that outweighed the less than substantial harm that it had identified. I have been presented with no evidence that would lead me to conclude that the public benefits found to outweigh the less than substantial harm to the

character and appearance of the CA as a result of the approved scheme, would not outweigh the comparable harm arising from the appeal proposal.

19. Therefore, I conclude that the identified public benefits, outlined above, would be sufficient to outweigh the less than substantial harm to the designated heritage asset. As a material consideration, this warrants taking a decision that does not fully comply with LP Policies L7 and R1 and the CAAMP.

Conditions

20. The Council has suggested several conditions which the appellant has agreed to. I have considered such conditions against the National Planning Policy Framework and Planning Practice Guidance. As a result, I have made some minor amendments to the wording for clarity and consistency.
21. In addition to the standard time limit condition limiting the lifespan of the planning permission. I have also, in the interests of certainty and best practice, attached conditions specifying that the development is carried out in accordance with approved plans.
22. Conditions requiring agreement to the external materials, provision of all energy supplies, landscaping, a landscape management plan, and boundary treatments are necessary to preserve the character and appearance of the CA. For the same reason, I have also included a condition requiring tree protection measures to be implemented which I consider should be a pre-commencement condition to provide protection over the full course of construction.
23. The removal of permitted development rights should only be used in exceptional circumstances. In this instance the justification to protect the character and appearance of the CA comprises an exceptional circumstance which supports the removal of certain permitted development rights regarding external alterations, extensions, and development within the curtilage of the dwellings.
24. I include a condition which requires a construction method statement so that the construction process is suitably controlled and minimises its effects on the surroundings. This is a pre-commencement condition to ensure that appropriate methods are in place before development commences.
25. A pre-commencement condition requiring the approval of a surface water drainage scheme is necessary to ensure the site is suitably and correctly drained to prevent flooding. A further condition is required to ensure the management and maintenance of that drainage scheme.
26. In the interests of protecting living conditions of neighbouring occupants, conditions are necessary to control finished site and floor levels and to secure obscure glazing of side facing windows on certain plots for the lifetime of the development. The protection of living conditions is an exceptional circumstance that justifies the removal of permitted development rights enabling the replacement of the obscure glazing of such windows without planning permission. Approval for external lighting is required for the same reason, as well as to preserve the character and appearance of the CA and in the interests of ecology.
27. I have included a condition relating to access, parking and servicing areas to ensure that the development does not adversely impact on highway safety. It

is also reasonable to require cycle parking spaces and electric vehicle charging points to be provided within the development to promote sustainable forms of development.

28. Whilst I don't consider that it is necessary for the details to be submitted prior to commencement, I have included a condition requiring details of bin collection stores to ensure satisfactory provision, in the interests of preserving the character and appearance of the CA.
29. Also, in the interests of nature conservation, conditions securing a Bat Method Statement, a Badger Mitigation Method Statement and biodiversity enhancement measures are required. For the same reason it is necessary to include conditions to control tree and shrub clearance during the nesting season and requiring the retention of felled and cut sections of trees identified with low bat potential are necessary on site for 48 hours. Nature conservation also provides a further reason for the inclusion of condition 12. Condition 19 must be a pre-commencement condition as harm to the habitat of protected species can take place at early stages of development.

Conclusion

30. For the reasons given above I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following plans:

18157 (SU) 001 C – Location Plan
18157 (PL) 001 K – Proposed Site Layout
18157 (PL) 101 F – The Main House – Plans and Elevations
18157 (PL) 102 D – The Villas – Plans and Elevations
18157 (PL) 106 A – The Main House – Roof Plan
18157 (PL) 107 A – The Villas – Roof Plan
18157 (PL) 108 A – Plot 5 - Garage Floor Plans and Elevations
18157 (PL) 110 A – Plots 1 and 2 – Car Port Plans and Elevations
18157 (PL) 111 A – Plot 3 – Car Port Plans and Elevations
18157 (PL) 112 A – Plot 4 - Garage Floor Plans and Elevations
18157 (PL) 202 E – Proposed and Existing Site Sections – Colour
18157 (PL) 203 E – Proposed and Existing Street Scenes - Colour
18157 (PL) 206 C – The Main House – Colour Elevation
18157 (PL) 207 C – The Villas – Colour Elevation
18157 (PL) 301 – The Main House – Façade Design Sheet One
18157 (PL) 302 – The Main House – Façade Design Sheet Two
18157 (PL) 303 – The Villas – Façade Design Sheet One
18157 (PL) 304 – The Villas – Façade Design Sheet Two

- 3) Notwithstanding any description of materials in the application no works involving the use of any materials listed below shall take place until samples and/or full specification of materials to be used externally on the buildings, including garages and car ports, boundary walls, and any hard surfacing treatment, have been submitted to and approved in writing by the local planning authority:

- Bricks;
- natural slate tiles;
- clay decorative ridge tiles;
- natural stonework;
- timber painted (vertical sliding sash) window frames, doors and bargeboards;
- garage doors (timber side hung);
- lead work to all flat roofs, dormers, and flashings;
- cast iron or aluminium rainwater goods;
- resin bound gravel;
- loose gravel; and
- sett edges

The specifications shall include the type, colour and texture of the materials. The samples shall include constructed panels of all proposed brickwork patterns illustrating the type of joint, the type of bonding and the colour of the mortar to be used and this panel shall be available on site for inspection and retained for the duration of the build.

- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors.
- ii. Loading and unloading of plant and materials.
- iii. Storage of plant and materials used in constructing the development.
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- v. Wheel washing facilities, including measures for keeping the highway clean.
- vi. Measures to control the emission of dust and dirt during construction and procedures to be adopted in response to complaints of fugitive dust emissions.
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site).
- viii. Days and hours of construction and demolition activity on site (in accordance with Trafford Council's recommended hours of operation for construction works).
- ix. Contact details of site manager to be advertised at the site in case of issues arising.
- x. Measures to prevent disturbance to the occupants of adjacent dwellings from noise and vibration, including any piling activity.

- 5) No above-ground construction works shall take place unless and until a detailed scheme for the provision of all energy supplies, meter boxes, external plant,

and mechanical and electrical systems (M&E) has first been submitted to the and approved in writing by the local planning authority. The scheme shall ensure:

- i. There are no individual extraction vents or flues to dwellings visible on the street front elevation of the building, and that the M&E solutions do not impact on the fenestration detailing shown on the approved elevational drawings.
- ii. All plant is included within the building façade and is not located on or protruding above the roof of the buildings.
- iii. There are no gas supply pipes or meter boxes fitted to the street front elevation.

Development shall proceed in accordance with the approved scheme.

- 6) a) Notwithstanding the details shown on the approved plans, the development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority, which will be in general accordance with the Landscape Layout, drawing no M2688-PA-01-V15. The details shall include the formation of any banks, terraces or other earthworks, hard surface areas and materials, planting plans, specification and schedules (including planting size, species and numbers/densities), existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.
b) The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.
c) Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within the lifetime of the development shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
- 7) No part of the development shall be occupied until a landscape management plan for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The landscape management plan shall include details of the arrangements for the implementation of the approved landscaping scheme, a schedule of maintenance, and details of responsibilities and management of the area. The schedule of maintenance shall be implemented in accordance with the approved landscape management plan.
- 8) No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction – Recommendations' and Tree Protection Plan, Sheet 3/3, Rev Var. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.
- 9) The development hereby permitted shall not be carried out except in complete accordance with the recommendations, including the use of special surfaces such as Cell Web, as shown on the Fairley Trees and Landscapes submitted

plans: Arboricultural Impact Assessment, Sheet 2/3, Rev Var and Tree Protection Plan, Sheet 3/3, Rev Var, in order to safeguard root protection.

- 10) The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water drainage system has been submitted to and approved in writing by the local planning authority. This must include a detailed drainage plan indicating all the proposed levels for drainage and a detailed analysis of the drainage system for the design events to ensure there is no surcharging or flooding of the system which could increase the risk of flooding to the site or neighbouring properties.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the local planning authority.

- 11) No part of the development shall be occupied until a management and maintenance plan for the drainage scheme for the lifetime of the development has been submitted to and approved in writing by the local planning authority. The plan shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the drainage scheme throughout its lifetime. The management and maintenance of the drainage scheme shall be implemented in accordance with the approved plan.
- 12) No part of the development shall be occupied until details of the type, siting, design and materials to be used in the construction of boundaries, screens or retaining walls or erection of gates have been submitted to and approved in writing by the local planning authority and the approved structures have been erected in accordance with the approved details. At least one suitable access point (gaps beneath or with fencing measuring 300mm x 300mm, ideally located within areas of retained scrub vegetation or other areas of shelter around retained trees) shall be provided for on the north, east and west boundary features. The structures shall thereafter be retained.
- 13) Other than the demolition of buildings and structures down to the ground, and site clearance works, including tree felling, no development, including excavation, shall take place until details of existing and finished site levels and internal finished floor levels relative to previously agreed off-site datum point(s) have been submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with the approved details.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation the windows in the second floor and on the side elevations of Plots 4 and 5 facing north and south shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof); no external alterations shall be carried out to the dwellings; no extensions shall be carried out to the dwellings; no garages or carports shall be erected within the curtilage of the dwellings; no buildings, gates, walls, fences or other structures shall be erected within the curtilages of the dwellings; no means of access or areas of hard surfacing shall be constructed in the curtilage of the dwellings; and no dormer windows shall be added to the dwellings other than those expressly authorised by this permission, unless planning permission for such development has first been granted by the local planning authority.
- 16) The residential units hereby approved shall not be occupied unless and until details of the cycle storage for 4 secure and weatherproof bicycle spaces per property has been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The approved cycle storage shall be retained at all times thereafter.
- 17) No above-ground construction works shall take place until details of the bin collection stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the Local Planning Authority. The approved bin stores shall be completed and made available for use prior to the first occupation of the dwellings and shall be retained thereafter.
- 18) The development hereby approved shall not be occupied until the means of access and the areas for the movement, loading, unloading and parking of vehicles have been provided, constructed and surfaced in complete accordance with the submitted plans and the details approved in relation to condition 2. These areas shall thereafter be retained and not be put to any other use than their intended purpose.
- 19) No development shall take place, including any works of demolition or removal of any structural features for salvage/reclamation, which support roosting bats, unless and until a Bat Method Statement based on the provisions of sections 4.2.3 (Ecological Survey Report, KE21/0110/B, Kingdom Ecology, 28th June 2021) has been submitted to and approved in writing by the local planning authority. The development should be implemented in accordance with the approved details and then retained as such thereafter.
- 20) No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-July inclusive) unless an ecological survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.

- 21) The trees identified with low bat roost potential (T6, T43, T50, T60, T61, T62, T65, T66 and T67 as shown on the AIA Sheet 2/3, Rev Var) shall be section felled and the cut sections left on site for a minimum of 48 hours, prior to being chipped or moved from site.
- 22) No development shall take place, including any works of demolition, until a Badger mitigation method statement, has been submitted to and approved in writing by the local planning authority. This should take account of previous and an up-to-date survey for evidence of badger setts which should be carried out no more than 2 weeks before the planned start of works. The development shall not be carried out other than in full accordance with the approved method statement.
- 23) No above ground construction works shall take place unless and until a scheme to include measures to enhance biodiversity at the site and provide a net gain for biodiversity, together with a timetable for their provision has been submitted to and approved in writing by the local planning authority. The measures should include bat and bird boxes and native tree and shrub planting and shall not be any less than the recommendations set out within Ecological Survey Report (Kingdom Ecology, ref:KE21/0110/B, dated 28th June 2021). The scheme shall be provided in accordance with the approved scheme and timetable and retained thereafter.
- 24) No external lighting shall be installed on the application site unless and until a scheme for such lighting has been submitted to and approved in writing by the local planning authority. The external lighting shall be implemented in accordance with the approved scheme.
- 25) The development hereby approved shall not be occupied unless and until a scheme for the provision and implementation of electric vehicle charging points has first been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved scheme and retained thereafter.

End of Schedule