



Appeal Decision

Site visit made on 12 April 2023

by A Veevers BA(Hons) DipBCon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2023

Appeal Ref: APP/Q4245/W/22/3310926

3A Marlborough Road, Flixton M41 5QQ

- 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 Graham Ralph against the decision of Trafford Council.
 - The application Ref 1079060/FUL/22, dated 22 April 2022, was refused by notice dated 11 August 2022.
 - The development proposed is described as 'a new dwelling with the following changes from planning consent ref 83893/FULL/2014 - larger rear extension, alteration of roof from hip to gable, loft conversion and part render of the property'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form, which differs from the decision notice. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application but omitting the words 'retrospective application' as that is not an act of development.
3. Planning permission has previously been granted for one dwelling at the appeal site of similar general dimensions and position¹. However, evidence details that the building now on the site exceeds the scope of that permission. Building works were well advanced at the time of my visit; however, I cannot be certain that the building entirely matches the plans before me. As such, for the avoidance of doubt, I have determined the appeal on the basis of a proposed development as shown on the submitted plans. The fact that building works were in progress does not affect my decision.

Main Issues

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

Reasons

5. The site was formerly the side garden belonging to 3 Marlborough Road. It is located within a typically suburban residential area at the end of a row and at

¹ LPA Ref: 83893/FULL/2014

the corner with Easedale Close. The properties along the tree-lined Marlborough Road are semi-detached or detached and whilst the appearance of the buildings along the road does vary, there is a general consistency of height, proportions, proximity to the street and materials. Despite some variations, an overall uniformity to the appearance of the row is reinforced by a predominance of two storey bays. Although the adjacent pair of semi-detached properties do not incorporate two-storey bays, they each include a large ground floor bay. The presence of bay windows contributes positively to the established features in the street scene which form part of the character of the area.

6. Dwellings within Easedale Close and at the entrance to Marlborough Road, when entering off Moorside Road, are single storey and are markedly different in scale and appearance to those in Marlborough Road. Given that the appeal site is on a corner plot at the transition between the two storey and single storey properties, even with the presence of several mature trees at the entrance to Marlborough Road, it is visually prominent within the street scene and consequently more sensitive to change.
7. The Council have provided details of the previously approved scheme, although the images are not to scale. Nevertheless, both parties set out that the main differences between that scheme and the appeal scheme would be the design of the roof, lack of articulation in the front elevation and the position and design of fenestration. The Council assert that the proposed dwelling would be 2.5/3 storeys. While I recognise there would be three floors of accommodation internally, I find the proposed external appearance would be seen as a 2 storey building with a height that would be generally consistent with 3 Marlborough Road and the previously approved scheme.
8. However, even though there are a variety of hipped and gable roofs in Marlborough Road and the surrounding area, the proposal before me would include a central flat section akin to a mansard-style roof not seen elsewhere along this part of Marlborough Road. Due to the corner position of the site, the gable elevation would be clearly visible from Moorside Road during the months when nearby trees are without leaves and would be particularly apparent when viewed from Easedale Close. From here, the scale and form of the gable elevation would be exacerbated by its projection forward of the general building line of the front of 7 and 7a Easedale Close. While the proposed roof design would be similar to that used at 7a Easedale Close, that property is a dormer bungalow positioned within a cul-de-sac and is therefore materially different to the appeal site in both size and context.
9. I appreciate the proposed roof seeks to reduce the height of the building, nevertheless, the resultant effect would be an incongruous and visually dominant gable elevation within this part of the street scene. Such an arrangement would appear at odds with the traditional roof design and prevailing character of the area.
10. The appellant has drawn my attention to a nearby recent appeal decision² where the conversion of, amongst other things, a hipped roof to a mansard gable and a rear dormer was allowed to a traditional detached dwelling in a conservation area. I note that the Inspector considered in that case that the fact the Council had already granted planning permission for most of the works

² APP/Q4245/D/21/3275772

subject to the appeal was an important material consideration in the determination of the appeal. Furthermore, the submitted photographs of that site demonstrate to me, and as stated by the appellant, that such a proposal 'appears to be a strident feature and has a jarring appearance within the street scene'. Regardless, any direct comparison with other examples does not indicate that the form of the development would sit comfortably within the street scene in this appeal, nor does the existence of other examples justify further harm.

11. In terms of the appearance of the front elevation, the Council's Planning Guidelines: New Residential Development 2004 (SPG) provides an overview of, amongst other things, design guidelines for residential development. It seeks to encourage good design and new residential development that pays due regard to the character and architectural styles of the surrounding area. Furthermore, the Framework³ confirms that great importance should be attached to the design of the built environment and at paragraph 135 states that 'local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme'.
12. The proposal reflects the split brick and rendered elevations found in the area. However, the flat face of the proposed front elevation would not respond to the predominate use of bays that characterise Marlborough Road, even if there is some variety in the design of the bays. When compared with the surrounding traditional properties, there is also a lack of detailing around the door of the proposed dwelling. The submitted plans indicate the proposed first floor front windows would be split by one mullion, however, the 'as built' development is split by two. Furthermore, the gap between the eaves and the first-floor windows emphasises the plain, unadorned appearance of the front elevation.
13. While there is no requirement for development to replicate existing properties, the absence of architectural detailing and mediocre flat-fronted design of the proposed dwelling would be inharmonious with the existing properties on the street and diminish the prevailing character of the area.
14. For the above reasons, I conclude that the proposal would have an unacceptably harmful effect on the character and appearance of the area. As such it would conflict with Policies L1, L2 and L7 of the Trafford Local Plan: Core Strategy, 2012 (CS). These seek, amongst other things, for development to be appropriate to its context and sympathetic to local character. It would also not accord with guidance contained within the SPG which seeks to protect and, where appropriate, enhance the character and quality of an area. For similar reasons, conflict would arise with the design objectives of the Framework.

Planning Balance

15. The most relevant policies are wholly consistent with the aims of the Framework regarding the need to achieve well designed places that add to the overall quality of the area and are sympathetic to local character. I have found that the proposed development would be harmful to the character and appearance of the area. This harm would be wide ranging and long lasting and

³ National Planning Policy Framework

would be contrary to the design aims of the Framework that I have referred to above. With these factors in mind, I ascribe this matter substantial weight.

16. The Council accepts that it is unable to demonstrate a 5 year deliverable supply of housing land. The Council advance a supply figure in the range of 3.47 to 3.75 years and a Housing Delivery Test figure (2021) of 79%, which 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.
17. As a previously developed site, the proposal would contribute towards the CS Policy L1.7 indicative 80% target proportion of new housing provision to use brownfield land. It would provide family housing in a relatively accessible urban location and generate some economic benefits during the construction of the houses and provide homes to occupiers who would spend and contribute to the local economy.
18. Furthermore, I am mindful that the Government is seeking to significantly boost the supply of housing. The Framework also encourages and supports the effective and efficient use of land recognises that small sites such as this one can make an important contribution to meeting the housing requirement of an area. Nonetheless, as the proposed development is only for one dwelling, it would make a contextually modest contribution to the Council's housing supply. Any economic, social and environmental benefits would also be somewhat limited.
19. The appellant has acknowledged that permitted development rights (PDR) are not applicable in the appeal case. Nonetheless, it has been put to me that, as a fallback position, had the proposal been built in accordance with the previously granted planning permission and relevant PDR had not been removed, the building could be altered by exercising PDR to insert new or modify existing windows and doors, change the roof profile and add extensions and outbuildings, thus changing the appearance of the building without the need for planning permission. The appellant asserts that these potential modifications have effectively been incorporated into the appeal proposal, with the exception of the proposed roof design.
20. For significant weight to be afforded to a fallback position, there needs not only to be a reasonable prospect of it being carried out, but it would also need to be more harmful than what would be allowed by the scheme for which permission is sought. Both parties agree that there is currently no permission for a dwelling on the site and therefore no PDR can be exercised. Even if certain modifications can be carried out as PDR generally, no alternative schemes have been provided, and I am therefore not satisfied that alternatives are likely to be implemented, nor that they would be more harmful than the proposal before me. I have therefore given this fallback position little weight in my decision.
21. I have noted the appellant's comments highlighting the absence of identified harm to the single storey projection at the rear of the building, the height and position of the building, neighbours' living conditions, the amount of private outdoor amenity space for future occupiers, and, subject to the imposition of suitably worded conditions, that acceptable car and cycle parking, refuse storage and landscaping could be provided. Even if I were to agree that there

would be no unacceptable effects, these are neutral factors and not considerations which weigh in favour of the proposal.

22. I also acknowledge that planning permission for one dwelling on the site has previously been granted by the Council. However, the proposal before me has a different design and appearance for the reasons set out above. The previous scheme is therefore materially different to, and would not result in the same harm, as the appeal proposal.
23. With the above in mind, I attach moderate weight to the appeal scheme's benefits. However, even with the significant extent of shortfall in the five-year housing land supply, I find the adverse effects 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.

Other Matters

24. Reference has been made by the Council in the decision notice to the emerging Trafford Design Guide. However, this was published for consultation June 2022 and may be subject to change so carries little weight at the present time.
25. The appellant has indicated a willingness to accept a planning condition to provide an alternative window design consistent with the previously approved scheme. Nevertheless, having regard to the use of conditions, it would be unacceptable to re-design the proposed fenestration through the appeal procedure, as it would result in a different form of development and consideration to that applied for.
26. I note the appellant's comment about Building Regulations and the Council's handling of the application, including in relation to a split decision. These matters have not had any bearing on my decision as I have only had regard to the planning merits of the proposal that is before me.

Conclusion

27. The proposal would harm the character and appearance of the area and would conflict with the development plan, when taken as a whole. There are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with the development plan.
28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

A Veervers

INSPECTOR