

Appeal Decisions

Site visit made on 17 October 2023

by Patrick Hanna MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal A - Ref: APP/Q4245/W/23/3321711

38 The Downs, Altrincham WA14 2QQ

- 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 James Barnard against the decision of Trafford Borough Council.
 - The application Ref 109451/HHA/22, dated 24 October 2022, was refused by notice dated 27 March 2023.
 - The development proposed is described as "This proposal is to safely link the family's garden to the main house by the use of a light touch spiral staircase from the rear terrace of the property, which is the roof of the washhouse to safe and secure access to the garden and back from the garden into the house."
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Appeal B - Ref: APP/Q4245/Y/23/3321706

38 The Downs, Altrincham WA14 2QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr James Barnard against the decision of Trafford Borough Council.
 - The application Ref 109452/LBC/22, dated 24 October 2022, was refused by notice dated 27 March 2023.
 - The works proposed are the same as described in Appeal A.
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Decisions

1. Both appeals are dismissed.

Preliminary matters

2. These decisions address both planning and listed building consent appeals for the same site and the same scheme. Whilst the remit of each regime is different the main issues below relate to both appeals. To reduce repetition and for the avoidance of doubt, I have dealt with both appeals together. I have also removed some superfluous wording from the description of development.
3. I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses, as required by sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issues

4. The main issues are the effect of the proposal on the special interest of the Grade II listed building known as Victoria Terrace (ref: 1067950) and whether

the scheme would preserve or enhance the character and appearance of The Downs Conservation Area (DCA).

Reasons

5. Nos 36 to 44 The Downs, known as Victoria Terrace, is a terrace of late-Georgian style two storey houses, pre-dating 1835,¹ and listed for group value. The terrace is particularly notable for the continuity and architectural coherence of its frontage, and its distinctive Flemish bond brickwork with contrasting headers. The rear of the terrace comprises various single and two storey wings of a broadly consistent materials palette, being predominantly of red brick, cream painted brick, and slate roofs. Whilst some elements of these outriggers are original and some are twentieth century extensions, they offer a pleasing irregular rhythm of forms. Together they offer visual cues about the evolution of the terrace. This can be seen and appreciated within the wider setting of the rear of the listed building; from the rear gardens of the terrace and adjacent dwellings, and from Wellington Place.
6. Victoria Terrace lies at the heart of the DCA, where the buildings share a coherent late-Georgian and early Victorian residential architecture and materiality, being largely brick terraced or semi-detached housing. The Downs Conservation Area Appraisal (SPD5.5)(2014) describes the long tradition of historic alterations to the rear of such properties as being significant to the understanding of the historic use of a building and to the evolution of the area.
7. Given the above, the special interest of the listed building is derived from its historic and architectural context as a prestigious residential development, as reflected in its design, detailing, and plan form including the rear outriggers, which continues to provide architectural and fabric evidence important to the significance of both the listed building and the DCA.
8. The proposal is for the installation of an external spiral staircase attached to the rear garage of No 38. The garage is detached from the house at ground level but attached to the listed building at first floor level, thereby forming an underpass providing access to neighbouring properties. The proposed staircase would provide access from the private garden of No 38 to the flat roof terrace on the garage and directly to the first floor of the house. The Heritage Statement identifies that, whilst the existing garage sits on the locus of an outbuilding pre-dating 1897, the garage itself is entirely modern, dating from 1980. Even so, it replaced an historic building of the same or similar footprint, so it has some evidential value. Either way, the proposal must be considered in the context of the full width of the rear elevation of the listed terrace.
9. The spiralled form of the proposed staircase would starkly contrast with the rectilinear forms along the rear of the listed terrace. The ornate balustrades and treads of the stair would be incongruous with the functional simplicity of the terrace's rear elevation. The extent and prominence of black painted metalwork would be out of keeping with the existing predominant materials of red brick and cream painted brick. I did not see any similar such staircases, railings, or balustrades within the surrounding area, and none have been drawn to my attention. Consequently, the proposal would introduce a new and inappropriate form of development into what is otherwise a largely consistent architectural palette. Despite the Council's concerns about the setting of the

¹ According to The Downs Conservation Area Appraisal (SPD5.5)(2014)

listed building, the harm identified relates to the proposal as an addition to the listed terrace.

10. The staircase would be visible from much of the rear setting of the listed building; from the terrace gardens and from Wellington Place, which are not so distant that views of the staircase would be sufficiently minimised. From these locations, the staircase would disrupt the rhythms and palette of the full width of the listed building's rear elevation, notwithstanding that many of the private gardens were delineated and formed as recently as 1987. Whilst trees and other intervening landscaping and structures would offer screening from some specific locations, this would not adequately mitigate the harm, particularly in winter. The appellant asserts that the staircase would be largely hidden by existing planting on the wall, but a future owner may choose otherwise.
11. Given this finding on the effect of the proposal on the special interest of the listed building, including from publicly accessible viewpoints, it follows that the proposal would also have an adverse effect on the significance of the DCA. The staircase would diminish the architectural and fabric evidence of the terrace important to the understanding of the evolution of buildings in the DCA.
12. Overall, the proposal would harm the significance of the listed building and would fail to preserve the character and appearance of the DCA. Under the terms of the National Planning Policy Framework (the Framework), I qualify that the degree of harm to the significance of the designated heritage assets would be less than substantial, but nevertheless of considerable importance and weight.
13. Paragraph 202 of the Framework sets out that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. However, the benefits of this proposal would be largely private, relating to the enjoyment of the house by the occupants. The continued use of the listed building is not dependant on this proposal as the present residential use would not cease in its absence. I find no public benefits that would outweigh the harm identified.
14. In conclusion, the proposal would fail to preserve the listed building and the features of special architectural or historic interest which it possesses and would not preserve or enhance the character and appearance of the DCA. Conflict therefore arises with the expectations of sections 16(2), 66(1) and 72(1) of the Act, the historic environment policies in the Framework, and policies L7 and R1 of the Trafford Core Strategy (2012) which seek to ensure quality design and protect, preserve and enhance heritage assets.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that both of the appeals should be dismissed.

Patrick Hanna

INSPECTOR