



Appeal Decision

Site visit made on 17 October 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2023

Appeal Ref: APP/Q4245/W/23/3319520

Gulmarg, Garden Lane, Altrincham WA14 1EU

- 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 N Booth against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 109513/FUL/22, dated 31 October 2022, was refused by notice dated 13 February 2023.
 - The development proposed is the demolition of existing bungalow to be replaced with a dormer bungalow.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing bungalow to be replaced with a dormer bungalow at Gulmarg, Garden Lane, Altrincham WA14 1EU in accordance with the terms of the application, Ref 109513/FUL/22, dated 31 October 2022, subject to the conditions in the attached schedule.

Main Issue

2. The effect of the proposal on the living conditions of occupiers of neighbouring properties on Springfield Road, with particular regard to outlook and sunlight.

Reasons

3. The appeal site currently comprises a detached bungalow which is in a dilapidated condition. It is accessed from Garden Lane which is a narrow cul-de-sac leading to other dwellings and commercial properties.
4. The appeal site is considerably elevated above the residential dwellings and their gardens on Springfield Road. As such, the existing bungalow and high, shared boundary wall are readily apparent from Nos 1, 3 and 5 Springfield Road and are existing dominant features to their gardens and rear facing rooms. This, along with the significant scale of the Springfield Road properties and sloping rear gardens of a modest size, collectively creates an already enclosed feel to the rear of these properties and their gardens.
5. The proposed dwelling has been designed as a dormer bungalow, rather than a two-storey property. I nevertheless appreciate that it would have a higher and longer ridge line than the existing bungalow. That said, the roof would slope away from the shared boundary, with the tallest part of the dwelling positioned further from the shared boundaries of Nos 1,3 and 5 than the existing bungalow. Further, the increase in height would be very modest.

6. Therefore, despite the considerable changes of levels between the appeal site and Nos 1, 3 and 5, and the increased height of the proposed dwelling; by virtue of the increased separation between the built form and the neighbouring properties and gardens, along with the greater offset between the tallest part of the roof compared with the existing arrangement and the modest size of the proposal, it would not have a discernible effect or be visually dominant or intrusive such that it would have a harmfully overbearing effect on the neighbours gardens and internal rooms.
7. With regards to the effect of the proposal on sunlight, the appellant has provided a Daylight and Sunlight Assessment¹ (DSA). The DSA calculated the annual probable sunlight hours (APSH) and winter probable sunlight hours (WPSH) reaching the windows and gardens of neighbouring properties on Springfield Road, as well as 8 Garden Lane in order to ascertain the effect of the proposal.
8. This approach follows industry standard guidance and methodology, notably the BRE guide: Site Layout Planning for Daylight and Sunlight – a guide to good practice (2022), and I consider it a useful method which assists in making an overall judgement on the effect of the proposed development in respect of this main issue.
9. The DSA finds that 100% of both APSH and WPSH currently received by rear facing windows of properties on Springfield Road would be retained. Whilst not forming part of this main issue, it is also worth noting that the proposal's effect on the nearest window at No 8 has been found to meet the recognised guidance.
10. The DSA also confirms that the effect of the proposal on sunlight reaching neighbouring gardens, including at No 8, would be negligible. Even if the nominal reduction to the area of the gardens receiving 2 hours of sunlight would occur later in the evening given their orientation, the evidence indicates that the gardens would nevertheless be well-lit overall so as to meet the recognised guidance.
11. Moreover, I do not agree that a reduction of evening sunlight has more impact on the amenity of neighbouring occupiers than at other times of the day, or that the gardens would always be more in use at this time. Rather, it is important to consider the effects throughout the course of the day.
12. Given the evidence in the DSA and taking into consideration the scale and siting of the proposal, along with its relationship to the path of the sun and neighbouring properties, I consider that it would not overshadow the rear gardens or the rear facing habitable rooms of neighbouring properties to an unacceptably harmful degree.
13. Taking all the above into consideration, the proposed development would not harm the living conditions of neighbouring occupiers and thus it would accord with Policy L7 of the Trafford Local Plan: Core Strategy (January 2012). This policy requires developments to not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing and visual intrusion, amongst other things.

¹ Gulmarg, Garden Lane, Altrincham, Daylight and Sunlight Assessment, Job No: 4886, Issue No: 2 (March 2023)

14. The proposal would also accord with the aims of ensuring developments have a high standard of amenity for existing occupiers and do not undermine the quality of life as set out at paragraph 130 of the National Planning Policy Framework.

Other Matters

15. The appeal site falls within the Old Market Place Conservation Area (the OMPCA) whose significance appears to be derived from the small-scale market town core and the historic buildings of traditional materials and detailing. The existing bungalow makes no more than a neutral contribution to the OMPCA. I consider that its demolition and the scale, design and positioning of the proposed replacement dwelling would preserve the character and appearance of the OMPCA. This is a neutral matter.
16. I note the outcome of the previous proposal which was dismissed at appeal, however the development proposed through this appeal is considerably different and thus I have considered it on its own merits.
17. With regards to the housing land supply position and latest housing delivery test figures, I do not need to consider this matter in detail as I have found that the proposal complies with the development plan.
18. I have carefully considered all of the comments made by interested parties. Further to the main issue above, significant concern has also been raised with regard to highway safety, namely the interaction between pedestrians and vehicles along Garden Lane. The Local Highway Authority has raised no concerns in this regard.
19. The proposal would utilise an existing access and the dwelling would also be positioned along the highway boundary like the existing property. Thus, whilst no footway would be provided, this maintains the existing arrangement. Whilst I note other dwellings and commercial premises use Garden Lane for access, throughout the day including at peak times, I consider that vehicle movements would likely be low. Further, the narrow and straight characteristics of much of Garden Lane would deter high vehicle speeds and provide good visibility towards oncoming road users. I therefore consider that the likelihood for pedestrian and vehicle conflict would be very low.
20. Concerns have also been raised that the proposal would allow for clear views into neighbouring gardens and properties. Given the set back of the ground floor habitable room windows of the proposal from the boundary wall, along with the height of the wall and proposed landscaping, which could be secured via a condition, views from the ground floor of the appeal dwelling into neighbouring rear gardens would not be possible. The boundary treatment would also significantly restrict the ability for views into upper floor windows of neighbouring properties.
21. I note the concerns relating to the effect of the proposal on the living conditions of occupiers at 8 Garden Lane. Whilst the proposed built form would come within close proximity to the side boundary of No 8, and subsequently a side glazed door, the offset and limited height of the proposal would ensure it would not cause an overbearing effect. Further, the first-floor window facing No 8 could be conditioned to be obscured and non-opening as it is a secondary window to this room.

22. The proposed dwelling would be a dormer style bungalow which provides all rooms which would be necessary for day-to-day living at ground floor level. Thus, concerns regarding the harm resulting from the loss of a bungalow, a purported much needed type of property in this locality, are afforded very limited weight.

Conditions

23. The Council provided a list of suggested conditions it considered should be attached if planning permission were to be granted. I note the appellant's agreement to the conditions suggested by the Council, which include pre-commencement conditions.
24. For clarity and precision, and to ensure compliance with the Planning Practice Guidance, I have undertaken some minor editing and rationalisation of the suggested conditions.
25. Conditions specifying the time limit and approved plans are required for completeness and to ensure certainty for all parties.
26. Given the constrained location of the appeal site, I consider it necessary to impose a condition requiring the submission and approval of details relating to activities during demolition and construction. I have removed superfluous requirements from this condition.
27. A condition requiring a demolition method statement to be submitted and approved is necessary to ensure the remaining boundary walls are adequately supported and protected.
28. A sample of materials is to be provided on site for inspection and approval by the Council given the sites location within the OMPCA. For the same reason, detailed drawings of the windows, doors and front boundary wall should be submitted. Whilst I note the drawings provided by the appellant, they are not complete.
29. A condition requiring details of landscaping to be submitted and approved is necessary to ensure a high-quality development and in the interests of the living conditions of neighbouring occupiers. Further to living conditions, a condition which requires the first-floor bedroom window to be obscurely glazed and non-opening is also necessary.
30. A condition requiring details of bicycle parking to be submitted and approved is necessary in the interests of providing sustainable transport options. In the interests of highway safety, a condition which requires the provision and retention thereafter of 2 parking spaces within the site is necessary.
31. To ensure any nesting species which may be on site are protected during the course of development, a condition which prevents clearance of trees and shrubs during nesting season is necessary. In the interests of improving biodiversity, a condition which requires details of bird and bat boxes to be submitted is required.
32. I consider it reasonable, necessary and justified in this case to remove various permitted development rights from the dwelling hereby approved, particularly those permitting the enlargement of and additions to the property which have most likelihood to result in more significant effects, given the sensitivity of the

appeal site and its relationship to neighbouring properties. As such, I have attached a condition to this effect.

33. I have not attached a condition requiring the submission of finished floor levels or existing and proposed site levels as there is no uncertainty about existing levels at the site. This condition does not therefore meet the test of necessity. A condition requiring the provision of an electric vehicle charging point is also not necessary as this is a requirement covered by other regulations.

Conclusion

34. For the above reasons, the proposed development accords with the development plan as a whole and there are no other considerations which indicate a decision should be made other than in accordance with it. Therefore, the appeal should be allowed.

H Ellison

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 be carried out in accordance with the following approved plans: PL01 A; PL02 A; PL03 A; PL04 A; PL05 A; PL06 A; and PL11 A.
- 3) No development shall commence, including any works of demolition and site preparation, until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall address, but not be limited to the following matters:
 - i) Hours of delivery, construction and pre-construction (including demolition) activity;
 - ii) Measures to control the emission of dust and dirt during construction and pre-construction (including demolition) and procedures to be adopted in response to complaints of fugitive dust emissions;
 - iii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - iv) Measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity and plant such as generators;
 - v) The parking of vehicles of site operatives and visitors;
 - vi) Loading and unloading of plant and materials including access/egress;
 - vii) Storage of plant and materials used in constructing the development;
 - viii) The erection and maintenance of security hoardings;
 - ix) Wheel washing facilities and any other relevant measures for keeping the highway clean during demolition and construction works;
 - x) Contact details of site manager to be advertised at the site in case of issues arising;
 - xi) Information to be made available to members of the public.The approved CEMP shall be adhered to throughout the demolition and construction period for the development.

- 4) No development shall commence, including any works of demolition and site preparation, until a demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved details.
- 5) Notwithstanding condition 2), prior to their use, a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The sample panel shall show the proposed materials, type of joint, bond and colour of mortar to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 6) Notwithstanding condition 2), prior to their installation, window and door details to a scale of 1:10 (indicating a minimum reveal of 100mm) and details of the moulded fascias, overhanging eaves and verge joints to a scale of 1:10 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.
- 7) No works shall take place to the boundary wall facing Garden Lane until drawings at a scale of 1:20 showing the arch detail and top brick course detail have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.
- 8) No above ground construction works shall take place until a scheme for the provision of bird and bat boxes, together with a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The boxes shall be provided in accordance with the approved scheme and timetable and retained thereafter.
- 9) Notwithstanding condition 2), prior to occupation of the dwelling hereby permitted, a scheme of hard and soft landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and plants on the site and identify those to be retained and set out measures for their protection throughout the course of development; the location of three additional trees net of any clearance, including specifications and schedules; materials for all hard surfaced areas; details of the formation of any banks, terraces or other earthworks; boundary treatments; and planting plans including specifications and schedules.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 10) Prior to occupation of the dwelling hereby permitted, details for the secure storage of bicycles shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the

development is occupied and the space shall thereafter be kept available for the parking of bicycles.

- 11) The dwelling hereby permitted shall not be occupied until the first floor window in the north elevation facing 8 Garden Lane has been fitted with obscured glazing at no less than level 3 of the Pilkington Glass scale (or equivalent), and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The window shall be retained as such thereafter.
- 12) The dwelling hereby permitted shall not be occupied until the means of access has been provided and space has been laid out within the site for 2 cars to be parked, in accordance with the approved plans, and that space shall thereafter be kept available at all times for the parking of vehicles.
- 13) 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 first been submitted to and approved in writing by the Local Planning Authority. 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.
- 14) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2 Part 1 Classes A, AA, B and E and Part 2 Class A other than that expressly authorised by this permission, shall take place.

End of schedule