



Appeal Decision

Site visit made on 10 October 2023

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2023

Appeal Ref: APP/Q4245/W/23/3321840

Friars Croft, 10 Park Drive, Hale, Trafford WA15 9DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Baxendell against Trafford Metropolitan Borough Council.
 - The application Ref 109937/FUL/22, is dated 3 January 2023.
 - The development is proposed replacement dwelling and associated landscaping.
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Decision

1. The appeal is dismissed and planning permission for proposed replacement dwelling and associated landscaping is refused.

Preliminary Matters

2. The appeal is against the council's failure to give notice of its decision within the prescribed period. The application was, however, considered at Planning Committee and I have taken the main issue from the putative reasons for refusal which were detailed in the 11 May 2023 Committee report.
3. Revised drawings were submitted to the council during March 2023. The revised drawings were not accepted by the council, and the putative reasons for refusal were based on the original drawings. I am conscious that other interested parties have not had the opportunity to view or comment on the revised drawings. In the interests of fairness and natural justice I have therefore considered the appeal on the original plans and drawings submitted to the local planning authority with the planning application dated 3 January 2023.
4. Policy R1 of the Trafford Core Strategy 2012 (CS) is out of date insofar as it does not include the balancing exercise of any identified harm to heritage assets against the public benefits of the proposal as detailed in the National Planning Policy Framework (the Framework). Although its principle of protecting or enhancing heritage assets is similar to the aims of the Framework and therefore is entitled to some weight, in accordance with Paragraph 219 of the Framework, the more recent balancing provisions of the Framework prevail.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the South Hale Conservation Area.

Reasons

6. The appeal site is located within the South Hale Conservation Area (CA). The CA is characterised by leafy residential streets with the significance of the CA,

- in part, gained from its historic street patterns and properties which provide a good example of a predominantly Victorian/Edwardian residential suburb. The buildings within the CA are characteristically of a high architectural quality, with mature planted boundaries, generous plots and a sense of spaciousness.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, in respect of development affecting CAs, states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
 8. Friars Croft is an unremarkable 1970s detached dwelling, which is not identified as a positive contributor in the South Hale Conservation Area Supplementary Planning Document Conservation Area Appraisal 5.21 and South Hale Conservation Area Management Plan 5.21a (SPDs). It is also not considered to be a non-designated heritage asset. The appeal site is in a sustainable location, and there is no dispute over the principle of the demolition of the existing property and the erection of a replacement dwelling.
 9. The appeal site is situated on Park Drive, on the corner with Park Avenue and has a relatively prominent position in the street scene. Although it is not of any architectural merit, the existing building's size and positioning within the plot, and the planting around it, contribute to the feeling of spaciousness and greenery which are a characteristic and significant element of the CA.
 10. The proposed replacement dwelling would be a 2.5 storey property. Although the proposed dwelling would be partly screened from public vantage points by planting, the top flat roof design of the proposed dwelling would be higher than existing and would be conspicuous from both within and outside the site. The property would have a larger footprint, would be set closer to the northern and southern boundaries, and would extend further forward than the existing house towards Park Drive and Park Avenue. The property would have an increased frontage to Park Drive. Together, this would lead to a greater sense of scale within the site than the current dwelling, and overall would lead to the replacement dwelling being a more prominent feature in the street scene.
 11. Although there are plots in the CA which have higher built form to plot ratio, including in the immediate locality, the dwelling's relationship to the plot itself is important and impacts on the street scene. The increase in the built form along with the siting of the proposal closer to the pavement line would lead to the proposed dwelling appearing cramped and oversized within the plot, and would reduce the feeling of spaciousness within the plot that is a key component and important characteristic of the CA.
 12. Although there has been a previous permission on the site which was approved in 2012 and was positioned further west than the appeal scheme, this was of a different design with a smaller footprint and more space around the dwelling. That planning permission was granted prior to the adoption of the SPDs and the publication of the Framework. I do not consider that the previous approval is directly comparable, and I have considered this case on its own merits, in the current policy context.
 13. The existing property is of no architectural merit and many elements of the design of the proposed dwelling are positive. The original stone piers at the point of access would be kept, which contribute positively to the CA and I see no issues with the proposed planting, landscaping and garden space which

would retain the greenery which is an important characteristic of the CA. I agree with the appellant that the proposed rear elevation along the eastern boundary is of an appropriate design, given its closeness to the boundary and its proximity to thick foliage which lies along this boundary line.

14. Whilst the proposed timber fence would be out of keeping and detrimental to the character and appearance of the CA, I note from the council's suggested list of conditions that, were I minded to allow the appeal, a landscape condition could be applied which would require boundary treatments to be agreed to the satisfaction of the local planning authority. As such I do not consider that the timber fence is in itself an issue of such concern as to make the design of the scheme unacceptable.
15. The CA is characterised by a mixture of residential designs, including a number of modern properties. On my site visit I observed properties that had large windows as a prominent design element, including the property Strabane, which has a large glass feature on its front elevation. Strabane lies almost directly opposite the proposal site and is also in a relatively prominent position within the street due to its location at the head of the junction with Park Avenue. I consider the fenestration elements of the proposal to be acceptable, and overall the design features of the proposal to be of a high quality architectural appearance which is a key characteristic of the CA.
16. However, although I consider the architectural detailing to be acceptable, I find that the increase in built form would undermine the spaciousness that is a key component and characteristic of the CA. In reaching this view, I have had regard to the accompanying reports and to the analysis set out in the Appeal Heritage Statement. However, for the reasoning set out above I cannot agree with its conclusion that the proposal would benefit the built form of the CA.
17. Consequently, I conclude that the proposed development would fail to preserve the character or appearance of the CA. In terms of the Framework the harm to the CA would be less than substantial. It is incumbent upon me to give considerable importance and great weight to this harm. The Framework advises that this harm must be weighed against the public benefits of the proposal. The public benefits would include economic benefits during the construction period. There would also be some social benefits. The development would provide a family house, with good modern facilities such as a lift to access all floors, and energy saving technologies. However, these public benefits would not outweigh the weight to be given to the heritage asset's conservation.
18. The proposal would harm the character and appearance of the South Hale CA. This is contrary to Policy L7 of the CS which, amongst other criteria, seeks to ensure that developments enhance the character of the area by addressing scale and massing, and Policy R1 which seeks to ensure that developments take account of historic distinctiveness. It would also fall short of the guidance contained in the SPDs which seek to ensure that development retains the character of the built environment.

Other Matters

19. I have had regard to the concerns of the residents of the neighbouring property Le Petit Bois, with regard to the effect of the proposed development on their living conditions. The proposed dwelling would be closer than the current building to the boundary with Le Petit Bois. However, the element closest to

the boundary would be a non-habitable garage, and I noted when visiting the property that there was strong boundary screening between the two properties. I do not find that the proposal would cause any significant overshadowing, noise, loss of privacy or loss of outlook for the occupiers of Le Petit Bois. The absence of harm is a neutral factor that weighs neither for nor against the appeal.

20. I note that there are no issues in relation to ecology, trees, access and highway safety, and that there have been letters of support for the proposal. However, these are neutral considerations that weigh neither in favour of, nor against, the appeal.

Conclusion

21. The proposal would conflict with the development plan when taken as a whole, and there are no material considerations which would indicate a decision other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

L C Hughes

INSPECTOR