



Appeal Decision

Site visit made on 9 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2023

Appeal Ref: APP/Q4245/D/23/3319711

Beecham House, 23A Hill Top, Hale Barns, Trafford WA15 0NN

- 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 Mrs Amy Axon, Guy Taylor Associates against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 107475/HHA/22, dated 10 March 2022, was refused by notice dated 20 February 2023.
 - The development proposed is two storey extension replacing existing garage, new garage, enhancements to elevations, new roof dormers, entrance feature and
 - new raised terrace at the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Planning Inspectorate Procedural Guide: Planning appeals – England (section 16) states that *‘the appeal process should not be used to evolve a scheme. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage’*. Consequently, while I note the appellant’s request to be contacted, I have determined the appeal against the plans and documents considered by the Council.
3. The appeal site is situated within the South Hale Conservation Area (CA) and in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention 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:
 - i. on the character and appearance of the host property and the CA;
 - ii. on the living conditions of the occupiers of No 25 Hill Top with regard to privacy; and
 - iii. if any harm arises, whether there are material considerations, including personal circumstances, that outweigh such harm.

Reasons

Character and appearance

5. Beecham House, 23A Hill Top, is a detached dwelling set in a large plot, with the property set back from the Hill Top frontage. The low eaves height of the main dwelling and the large massing of the half hip roof above, with two pitched roof dormers, are attractive and defining characteristics of the existing property when viewed from public vantage points on the street. The property is designed with a forward projecting single storey element that sits below the eaves line of the main building and is designed with a half hip roof that minimises its massing and picks up on the design detail of the main roof.
6. The significance of the CA derives from its many fine individual residences, a significant number of which are from the Victorian and Edwardian eras. The properties are typically set well back from the tree-lined streets on spacious, enclosed and well-landscaped plots. Further, the appeal property is within character zone C in the South Hale Conservation Area – Supplementary Planning Document SPD5.21 – Conservation Area Appraisal (2017) (SPD5.21) where there are acknowledged to be a majority of spacious Edwardian properties. There are also inter-war and modern dwellings in this character zone.
7. Whilst relatively large in size, the appeal property is of a more modest appearance in comparison to some other properties on the street. SPD5.21 does not specifically identify the appeal property as one that makes a positive contribution to the townscape of the CA. However, the set back of the dwelling from the highway and the maturity of the landscaping and spaciousness to the front of the plot are features which positively contribute to the significance of the CA.
8. Whilst the front boundary does include mature vegetation, the front elevation of the property is visible from the street, and even more so when the existing front boundary gates are open. The large forward projecting first floor and two storey addition, with its eaves height, front facing gable, design, and high levels of glazing, would be out of proportion with, and visually dominate, the front elevation of the property, to the detriment of the original scale and form of the dwelling. Furthermore, the front extension would be notably closer to the front boundary and prominent from the street. Consequently, it would detract from the spacious character of the street scene.
9. In addition, the replacement of the small traditional front dormer windows with a large modern dormer and a two-storey entrance detail, with its high level glazing, and forward projecting pitched roof element would result in a visually cluttered front elevation when viewed alongside the large first floor and two storey front extension. The cumulative impact of all these features significantly disrupts the eaves level of the existing building, which as mentioned earlier is an attractive characteristic of the existing property.
10. Further, the proposed flat roof design of the garage would be at odds with the roof form of the existing dwelling, and the lack of detailing in respect of its finished material adds to my concerns. I acknowledge the single storey garage would be screened from the street when the existing front boundary gates are closed, however when these gates are open, the garage would be prominently viewed. Overall, the alterations and extensions to the appeal property would

be detrimental to the character and appearance of the host property, street scene and the significance of the CA. The character or appearance of the CA would therefore not be preserved.

11. My attention has been drawn to a number of examples of larger and modern designed dwellings on this street, however these are mainly new build or re-build properties. The appeal proposal seeks to replace and / or add modern design features and materials to an existing dwelling that do not sit comfortably with the existing property's design and would detract from the street scene for the reasons I have set out.
12. In terms of the National Planning Policy Framework (the Framework), the harm to the CA would be 'less than substantial'. Therefore, in accordance with paragraph 202 of the Framework this harm must be weighed against the public benefits.
13. The appellant contends that the substantial benefits of this proposal include improved energy efficiency, robustness and longevity brought by the proposal to create a better and warmer home for the occupants, improved health for the occupants and better access to natural light within the dwelling. Furthermore, I consider there would also be some economic benefits arising from the proposed building works.
14. I have limited evidence that the appeal proposal is the only means to achieve energy efficiency of the building and the additional space would largely be a private benefit. Even so, I give the economic and other improvements to the property some limited weight. Nevertheless, the public benefits arising from the appeal proposal would not outweigh the great weight to be given to the conservation of the heritage asset, and thus the proposal would conflict with the Framework.
15. I conclude that the proposal would harm the character and appearance of the host property and the CA. The proposal therefore conflicts with Policies L7 and R1 of the Trafford Local Plan: Core Strategy (2012), which require, amongst other things, that all new development preserve or enhance conservation areas, make the best use of opportunities to improve the character and quality of an area and enhance the street scene or character of an area.
16. Whilst I note that the Council refers to Policy R1 being out of date, I find that this policy is consistent with the Framework in so far as it seeks to preserve or enhance the character and appearance of the CA, and I attach moderate weight to the conflict between the policy and the proposal in this case. Moreover, the Framework seeks to ensure developments add to the quality of the area, are visually attractive and are sympathetic to local character and history, which is consistent with Policy L7 of the Core Strategy.
17. The proposal is also contrary to the requirements of Supplementary Planning Document 4: A Guide for Designing House Extensions & Alterations (SPD4), which requires extensions to reflect the character, scale and form of the original building by matching and harmonising with the existing architectural style and detailing. Furthermore, the proposal fails to comply with SPD5.21 and the South Hale Conservation Area – Supplementary Planning Document SPD5.21a Conservation Area Management Plan (2017), insofar as they seek to ensure that, amongst other things, extensions should be appropriate to the

property, and new development take inspiration from established features and architectural styles within the CA.

Living conditions

18. The appeal proposal includes a first-floor terrace area to the side and rear, close to the shared boundary with No 25 Hill Top. The proposed roof terrace has been designed with a 1.8m high slatted timber privacy screen along the full length of the side elevation and corner return, and this screen would reduce overlooking towards the dwelling at number 25, and its rear garden area.
19. It is accepted that some overlooking would still occur from the rear of the terrace, however this would not be significantly greater than that which would be experienced from the existing, first floor windows in the rear elevation of the appeal property. Furthermore, the existing dwelling currently has a second-floor roof terrace within the roof space, and a second-floor side balcony accessed via an external staircase, which both presently provide elevated views into neighbouring gardens, including number 25. The second-floor side balcony is to be retained, with a new external staircase provided. However, the second-floor roof terrace would be removed as part of the appeal proposal and the proposed roof terrace would not have a significantly greater impact in terms of overlooking or loss of privacy than these existing features.
20. As such, I conclude that the appeal proposal would not have an adverse impact on the occupants of number 25 Hill Top by way of loss of privacy and overlooking. Accordingly, I find no conflict with Policy L7 of the Trafford Local Plan: Core Strategy (2012) insofar as it seeks to ensure that development does not prejudice the amenity of occupants of adjacent properties by reason of overlooking. I also find no conflict with the Council's SPD4, or those principles of the Framework which seeks to ensure a high standard of amenity is provided for existing users.

Other material considerations

21. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability is a relevant protected characteristic to which the PSED applies. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. However, they are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
22. I have carefully noted the appellant's evidence in this regard and I appreciate the contribution the additional space and proposed alterations to the dwelling would make to the appellant's personal circumstances. Nevertheless, based on the evidence before me I am not satisfied that an alternative extension scheme could not achieve the living condition improvements required without having a harmful impact upon the character and appearance of the host property and the CA.
23. Dismissal of the appeal is therefore necessary and proportionate and would not unacceptably violate family rights under Articles 1 and 8. I have given consideration as to whether any conditions could be imposed to mitigate the

harm identified but the protection of public interest cannot be achieved by means that are less interfering of the human rights of property occupants.

24. Further, for the reasons set out above I attach limited weight to the economic and other improvement to the property.

Planning Balance and Conclusion

25. The Council has conceded that Policy R1 of the Trafford Local Plan: Core Strategy (2012), is out of date as it is not wholly consistent with the Framework or case law. While, for the reasons previously set out in relation to this case, the aims of Policy R1 are largely consistent with the Framework even if paragraph 11d of the Framework were engaged the harm to designated heritage assets provides a clear reason for refusing the development in accordance with paragraph 11d(i).
26. Overall, while I have found that the development would not be harmful to the living conditions of No 25, I conclude that the proposal would harm the character and appearance of the host property and the CA. The proposal therefore conflicts with the development plan when taken as a whole, and there are no material considerations of sufficient weight, including the personal circumstances of the appellant, that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Major

INSPECTOR