



Appeal Decision

Site visit made on 4 December 2023

by Hannah Ellison BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/Q4245/W/23/3324264

Oak Trees, Hawley Lane, Trafford, Hale Barns WA15 0DR

- 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 Simon Gallop against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 109768/FUL/22, dated 1 December 2022, was refused by notice dated 14 March 2023.
 - The development proposed is the demolition of existing garage and construction of new dwelling with associated landscaping.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Simon Gallop against Trafford Metropolitan Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (the Framework). The main parties were provided with an opportunity to make submissions on the revised Framework. I am therefore satisfied that no party has been disadvantaged by me proceeding on the basis on the revised Framework.
4. The Government also published the 2022 Housing Delivery Test (HDT) results on 19 December 2023. However, as the Council cannot demonstrate a five year supply of housing land and thus paragraph 11 d) of the Framework already applies in this case, as can be seen below, there was no need for me to seek further comments from the parties on this matter.
5. I note there was some uncertainty regarding the set of plans which the Council based its decision on. I also note the reference to a first and second set of amended plans throughout the appellants appeal submissions. However, it is not for me to consider a range of proposals within this appeal. Regardless, through this appeal the appellant confirmed that they wish for the originally submitted plans to be considered. I shall therefore proceed with my decision based on the plans as originally submitted with the planning application and I consider no party would be prejudiced by me doing so.

Main Issues

6. The main issues are the effect of the proposal on a) the character and appearance of the area, and b) the living conditions of occupiers at 12 Elmsway, with particular regard to outlook.

Reasons

Character and appearance

7. The appeal site is located in a predominantly residential area in which properties vary greatly in terms of their design, scale, mass and materials. There are also variations in plot sizes. Despite this, dwellings generally appear commensurate with their plots due to the design of the properties themselves, their relationship with neighbouring properties, the good space between the dwellings and one or more of their boundaries, or a combination of these and other factors. The overarching feel of the area is that it is a place of high quality, generously sized properties which are located in pleasing surroundings by virtue of its verdant and spacious characteristics.
8. The appeal site forms the side garden of the large, detached property on Hawley Lane known as Oak Trees. This dwelling is of traditional appearance and has prominent features including a steep roof form and projecting front gable.
9. The proposed dwelling would fill much of the width of the appeal plot and would be of a generous depth. It would have a close relationship to both side boundaries and there would be limited space to the rear. It would be a full two stories in height and its elevations would be finished in off-white render.
10. By virtue of its large form and footprint, the proposal would appear as a bulky mass which would dominate its plot. There would be little relief from built form along the immediate stretch of Hawley Lane due to the close siting of the proposed dwelling and adjacent properties to their respective side boundaries.
11. The lack of interest in the fenestration and variety in materials would cause it to be very prominent and incongruous in the street scene. All in all, the proposal would fail to integrate well into and harmonise with its spacious surroundings.
12. I appreciate that the appeal site may be of a size and frontage which is reflective of or larger than other plots in the area and that the distance to the boundaries and nearest properties may be similar or greater than local examples.
13. The appellant has drawn particular attention to the nearby property known as Hawley Rise, principally in regard to its relationship to the side boundary and overall plot size. However, I do not agree that the Hawley Rise example sets a clear precedent. It is a different context and design to the appeal scheme and has a different relationship to adjacent built form.
14. Even if the distance to the boundaries and adjacent properties is greater in the appeal scheme than at Hawley Rise, this is not sufficient in itself to satisfactorily offset the mass of the proposed dwelling and the dominant effect it would have on the street scene in this instance. As above, it is important to

consider a range of factors to ascertain whether the proposed development would relate well to its particular setting.

15. In terms of materials, I acknowledge there are other examples of fully rendered properties in the vicinity and this proposal seeks to replicate this. With regards to the closest example of The Hollies, it seems to me that the use of render assists with its integration between the adjoining properties which feature render/a painted finish and are a combination of modern and traditional style.
16. However, in the immediate street scene, there is greater variety in materiality, particularly on the south side of Hawley Lane. Render is not the predominant material. Rather, the properties adjacent to the appeal site and opposite feature brick, whether in full, or in part combination with render. It is within this context in which the proposal would primarily be read.
17. The appeal proposal, with fully rendered elevations with little variation, would be noticeably out of context between two traditional properties which feature brick, as well as the properties opposite. Therefore, the appeal proposal would appear unduly prominent and incongruous in this instance.
18. My attention has also been drawn to the recently approved scheme at the appeal site. Whilst copies of documents have not been provided, other than through a link which is not satisfactory, I have nevertheless been provided with some plans. Based on these, it seems to me that the position in the plot, footprint and overall height of the approved scheme is largely directly comparable, with the exception of a marginal set-in from the side at ground floor level and the rear at first floor level.
19. However, the approved scheme would have a distinctively altered roof form, such that the overall mass and prominence of the property would appear reduced compared to the appeal proposal. The façade treatment would also be different, with variations around the front gable and dormer. Whilst the exact detail is not before me, this appears to add interest and pick up on details of adjacent, non-rendered and more traditional properties.
20. Collectively, these features give greater movement, sense of space within the site and a general relief from the built form. The approved dwelling would visually appear smaller and thus more commensurate with its plot, reflecting that of surrounding properties.
21. Accordingly, taking all of the above together, the proposed development would harm the character and appearance of the area and thus would conflict with Policies L2 and L7 of the Trafford Local Plan: Core Strategy (January 2012) (the TCS). Together, these policies aim for developments which are appropriate in their context and are not harmful to the character of the immediately surrounding area.
22. The proposal would also fail to accord with the advice set out in Planning Guidelines: New Residential Development (September 2004) (the NRD Planning Guidelines) and chapter 12 of the Framework, which together aim for developments which relate well to the character of the area and achieve well-designed and beautiful places.

Living conditions

23. 12 Elmsway is sited to the rear of the appeal site. It is a two storey dwellinghouse with windows on its rear elevation which serve habitable rooms. Given the orientation of No 12 and its arrangement within its plot, a narrow strip of garden is sited between its rear elevation and part of the shared boundary with the appeal site. However, the garden extends further west whereby much more external amenity space is provided.
24. Despite the close relationship between the part of the garden nearest the appeal site and the proposed dwelling, this space is already somewhat confined by virtue of the existing arrangement of built form and close relationship with the shared boundary, which would remain. The proposal would also be sufficiently offset such that it would not be dominant when within this part of the garden. Moreover, occupiers would be afforded visual relief from the development when elsewhere in their gardens. All in all, the proposal would not have an overbearing effect on outlook when in this part of the garden.
25. Setting aside the applicant's concerns regarding the Council's comments on the effect on habitable room windows, I note that the outlook from the ground floor windows of No 12 nearest to the shared boundary would already be restricted by virtue of the close boundary.
26. The closest parts of the proposed dwelling are beyond the straight line parallel from the nearest first floor habitable room window such that it would not be an overly dominant addition in the outlook from the affected room. Further, there would be a good separation distance between the window and the dwelling, which would reflect the recommended distance relied upon within A Guide for Designing House Extensions & Alterations (February 2012) (SPD 4).
27. Although SPD 4 concerns house extensions, the NRD Planning Guidelines does not explicitly state a recommended distance which should be achieved to prevent a development from having an overbearing effect. Therefore, SPD 4 can be taken to be of some relevance in so far as this matter is concerned. The recommended distance is not, however, policy and should be used as guidance and a starting point, with each proposal determined on its own merits.
28. Even though a close relationship between habitable rooms and neighbouring built form is not characteristic of this locality given the largely generous spacing between properties, it would not result in harm in this instance. The effect on neighbouring amenity is a matter of planning judgment taking into consideration the particular context and circumstances of the case.
29. Consequently, the proposal would not harm the living conditions of occupiers at No 12. It therefore accords with Policy L7 of the TCS which states that development must not prejudice the amenity of occupants of adjacent properties by reason of overbearing and visual intrusion, amongst other things.
30. The proposal would also accord with the aims for development which does not harm the amenity of existing residents as set out in the NRD Planning Guidelines, SPD 4 and the Framework.

Other Matter

31. I note the concerns raised with regard to the Council's handling of the planning application however this is not a matter for me within the context of this appeal, which I have determined on its own merits.

Planning Balance

32. The evidence before me indicates that the Council cannot demonstrate a five year supply of deliverable housing sites. Further, it is clear that the delivery of housing in the borough has been substantially below the housing requirement over the past three years. In both circumstances, paragraph 11 d) ii of the Framework is engaged, which requires me to determine whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
33. The proposed dwelling would contribute to reducing the Council's deficit of housing and would assist in the Governments objectives of significantly boosting the supply of homes. It would be in an accessible location, close to schools, public transport, shops, services and other facilities. These social and environmental benefits weigh in favour of the proposal.
34. There would also be some temporary economic benefits generated during construction of the dwelling, through employment and spending, and long-term benefits on subsequent occupation through spending by future occupiers. However, all of these benefits would be very limited given that only one dwelling is proposed, even taking into account the extent of the housing shortfall as indicated by the Council.
35. Set against this is the harm I have identified to the character and appearance of the area, which would be lasting. Whilst the Framework provides support for development that makes efficient use of land, the desirability of maintaining an area's prevailing character and setting and the importance of securing well-designed, beautiful and attractive places should also be taken into account.
36. Policies L2 and L7 of the TCS are consistent with the relevant provisions of the Framework, thus the conflict between the proposal and relevant TCS policies attracts significant weight. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development does not therefore apply.

Conclusion

37. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
38. The proposal conflicts with the development plan when read as a whole and there are no other considerations which indicate that a decision should be made other than in accordance with it. Therefore, the appeal should not succeed.

H Ellison
INSPECTOR