



Appeal Decision

Site visit made on 23 January 2024

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/Q4245/D/23/3329886

4 Normanby Chase, Altrincham, WA14 4QP

- 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 and Mrs Fitton against the decision of Trafford Council.
 - The application Ref 110898/HHA/23, dated 28 April 2023, was refused by notice dated 2 August 2023.
 - The development proposed is described as a 'First floor extension above part of garage and conversion of garage to provide ancillary residential annexe with associated alterations'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I had been asked by the Council to view the appeal site from the neighbouring property at 1 Woodlands but was unable to do so as the site visit was postponed to the following day from the original visit due to weather and travel conditions and the occupiers could not be contacted in time. However, on the basis of what I saw from the appeal site and the surrounding area, together with third party representations, I am satisfied that I have sufficient evidence to deal with the appeal and have done so on that basis.

Reasons

3. The main issues in this appeal are the effect of the proposed development on:-
 - the character and appearance of the dwelling and the area, including whether it would preserve or enhance the Devisdale Conservation Area (CA);
 - the living conditions of the neighbouring occupiers at 1 Woodlands, in terms of outlook and light.

Character and appearance

4. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The development plan includes the Trafford Local Plan Core Strategy (2012) (CS). Policy L7 seeks to ensure that development must enhance the character of the area and policy R1 requires that development complements and enhances Conservation Areas. The National Planning Policy Framework has similar objectives and states that when considering the impact of new

development on the significance of a designated heritage asset, great weight should be given to its conservation.

5. The significance of the Devisdale CA derives from its development as a residential neighbourhood in the late C19th adjacent to Dunham Park. This part of the CA is characterised by large Victorian villas and more recent dwellings which are sited on large plots on tree lined roads. Normanby Chase is a small cul-de-sac of detached two storey dwellings built during the 1960's on more modestly sized plots. Whilst the dwellings have a very different style from many of the original dwellings in the wider area and the street scene has a more open character than elsewhere, it too has a spacious, leafy feel with views of the many surrounding trees contributing positively to its character.
6. The appeal dwelling is tucked away in a corner of the cul-de-sac and is seen only from that part of the cul-de-sac and a property to the rear on Bonville Road, known as 1 Woodlands and its shared drive with 2 Woodlands. It has an L-shaped plan form with an attached double garage and a shallow pitched roof.
7. The proposed development would extend over more than half of the garage at first floor level to provide a kitchen/sitting room with an ensuite bedroom above. It would continue the line of the existing ridge with a pitched roof and windows to match the existing. A previous scheme was dismissed at appeal for the same reasons as this proposal in 2012. That scheme extended across the whole of the double garage and had a lower ridge height and two front gabled dormers. The Inspector in that case found that the raising of the ridge and the dormer windows would be out of character with the dwelling and the CA.
8. This scheme differs from the previous in that it extends only across part of the garage and does not include dormer windows. Although the roof would be higher than in the previous scheme, it would be raised for a shorter length. As such, it would not be disproportionate to the size and scale of the dwelling and would retain some openness in the street scene. The windows would match the existing and reflect the modern character of the dwelling and the cul-de-sac. It would not erode the spacious, open character of the street scene and would preserve the leafy character and appearance of the CA.
9. I have noted that permission was granted at appeal in 2018 (APP/Q4245/D/18/3206183) for the extension and conversion of a garage at 9 Normanby Close nearby. That proposal is larger and in a more prominent position than that proposed here and provides further weight in support of this proposal.
10. I conclude then that the proposal would preserve the character and appearance of the CA and would not significantly harm the character or appearance of the dwelling or the area. There is, therefore, no need for me to consider whether there are any public benefits arising from the proposal and it would accord with the development plan policies referred to earlier in this regard.

Living conditions

11. Development plan policy L7 of the CS also requires that development does not prejudice the amenity of occupants of adjacent properties by reason of overbearing, overshadowing or visual intrusion.
12. At my visit I saw that the proposal would be seen clearly from the front of the adjoining property to the rear of the site at 1 Woodlands. At the time of the

previous appeal, that property was not built but the Inspector took a precautionary approach and dismissed the appeal due to its bulk and massing so close to the boundary in terms of overbearing.

13. Although the current proposal is shorter in length than the previous, it is greater in height and with a projection of some 7m beyond the front elevation of no 1, would still be within a line of 45° taken from the front main living room window. This, together with its proximity with only 1.7m between the two dwellings and siting on slightly higher ground, would result in it appearing unduly overbearing and oppressive when seen from that window. I have noted that the room also has two windows in its side elevation but those are also in very close proximity to the long side elevation of the appeal dwelling and would not compensate the impact on the front window from this proposal.
14. The appellant has provided detailed evidence which shows that in regard to light and overshadowing, the proposal would only affect a small portion of the front drive within the site for a small part of the morning during summer. I am satisfied therefore that it would not result in harm to the neighbours' living conditions in that regard. In terms of privacy (which I have noted did not form part of the Council's objection), the windows in the side elevation of the proposal are to an ensuite and the stairs. This, together with their narrow width, would not result in a level of overlooking that would significantly harm the privacy of the neighbouring occupiers.
15. I am also satisfied that the proposal would not have a harmful impact on the living conditions of other neighbouring occupiers due to its distance and relationship to their properties and have noted that the Council did not object to the effect on other properties other than 1 Woodlands.
16. However, the extensive degree of overbearing would have a considerable effect on the outlook from the front ground floor window of 1 Woodlands and this would significantly harm the living conditions of those occupiers, contrary to CS policy L7 referred to earlier.

Other matter

17. I have noted that the proposal would provide a residential annexe for the father of one of the appellants but I have no compelling information that the accommodation is necessary as proposed or that the objective of achieving a residential annexe could not be achieved through a more appropriate scheme and this matter does not outweigh the harm that would be caused.

Conclusion

18. For the reasons given, I conclude that the proposal, by reason of its effect on the outlook of the neighbouring occupiers at 1 Woodlands would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector