



Appeal Decision

Site visit made on 16 April 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/Q4245/W/23/3329531

Land to rear of 74 & 76 Flixton Road, Urmston, Trafford M41 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Property Portfolio (UK) Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 109793/FUL/22.
 - The development proposed is two storey rear extension to existing building to form additional ground floor commercial/retail space and additional residential space at first floor level with associated car parking, access, and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form gave the address of the proposed development as 76 Flixton Road. I have taken the address from the Council's Decision Notice, as this more accurately describes the location and the proposed development.
3. On 21 March 2024, after the appeal was submitted, the Council adopted Places for Everyone (PfE) as part of the Development Plan for Trafford. PfE is a joint Development Plan Document produced by nine Greater Manchester districts, of which Trafford is one. The Council provided me with a list of updated policies relevant to the appeal, and the appellant was given the opportunity to make any further comments in regards to those. I have taken into account the comments raised.

Main Issues

4. The main issues are the effect of the proposed development on:
 - 1) the character and appearance of the area;
 - 2) the living conditions of the future occupiers of 74a Flixton Road (No 74a) with regard to outlook and light;
 - 3) the living conditions of the occupiers of 2 Roseneath Road (No 2) with regard to privacy, and
 - 4) the living conditions of future occupiers of 74a and 76a Flixton Road (Nos 74a and 76a) and existing occupiers of other neighbouring properties with regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal site is situated on the corner of Flixton Road and Roseneath Road, within a mixed-use area of Urmston Town Centre, which has a range of amenities and public transport links. It comprises traditional Victorian terrace properties with a service yard and alleyway to the rear. It is currently in use as a mixed-use building with retail/commercial uses on the ground floor and residential flats above.
6. Roseneath Road largely comprises attractive rows of two-storey terraced residential properties. These properties have appealing design detail which include square bays, porches, headers and cills. They have a uniform, regular pattern of development which gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area.
7. Due to the street layout which includes an alley along their rear boundaries, the rear facades of the properties in Flixton Road are visible from sections of Roseneath Road. These have a uniformity and a harmony, and a regular rhythm of gables which provide visual continuity and positively contribute to the street scene.
8. Whilst a number of the properties facing Flixton Road have been extended at the rear or have outbuildings, none are comparable with the scale and mass of the appeal proposal. The extension would see the gables of Nos 74a and 76a extended and the space between infilled. The proposed extension would disrupt the harmonious pattern of development of the rear of the properties and would appear as incongruous and over dominant in the street scene. The impact would be exacerbated due to the appeal site's prominent corner position.
9. The proposed two-storey extension would follow the height of the ridge and eaves of the main gable, but built up to the paving line along Roseneath Road. This would not be in keeping with the dwellings along that road which are generally set back from the pavement behind small front gardens. This would result in the two-storey extension appearing as conspicuous and overbearing when viewed from Roseneath Road. The proposal would have an awkward conglomeration of roof forms which would appear discordant when viewed in the context of the uniform, rhythmic pattern of gables which is characteristic of the street scene.
10. The design materials and features of the proposal would be sympathetic to the existing and surrounding dwellings, and the height of the proposed extension would match the height of the host property. However, the proposal's massing and scale would result in a cramped appearance on the plot and would unacceptably erode the level of spaciousness that the yard currently provides and which gives visual relief between Roseneath Road and the properties which front Flixton Road.
11. My attention has been drawn to a number of other similar developments in the borough which have received planning permission.¹ I am mindful that consistency in the planning process is important and like cases should be decided in a like manner. Whilst it is inevitable for comparisons to be made,

¹ 102554/FUL/20 – 7-9 Stretford Road; 105609/FUL/21 – 75 Great Stone Road; 107801/FUL/22 – 1 Dartford Road; 107948/FUL/22 – 8 Crofts Bank Road; 101290/FUL/20 – 187 & 189 Marsland Road.

each will have its own site-specific circumstances and merits upon which it is considered, and a specific relationship with the street scene, the host property and surrounding properties. I note, for example, that whilst the roof was altered, the rear extension at 7-9 Stretford Road was single storey and out of site of the public realm. The rear extension at 75 Great Stone Road was single storey and would project less than the appeal proposal. The extension at 1 Dartford Road reflected surrounding building lines. The rear extension at 8 Crofts Bank Road was single storey and would not be prominent within the street scene. The rear extension at Marsland Road would appear subservient to the host property and would not extend further into the alleyway than the existing development, with the roof design reflecting existing roofs within the locality.

12. As such, the developments do not have the same impact on the character and appearance of their surrounding areas as the appeal proposal, and I do not find them to be directly comparable to that which is before me.
13. Accordingly, I conclude that the proposed development would cause harm to the character and appearance of the area. Hence, it would conflict with Policy JP-P1 of the PfE which seeks to ensure that development respects and acknowledges the character of the locality. It would also conflict with guidance contained within the Council's adopted Planning Guidance PG1 – New Residential Development (2004) (PG1) which highlights the need to maintain and enhance the local distinctiveness of the Borough's established residential areas. It would conflict with the National Planning Policy Framework (the Framework) which highlights that development should be sympathetic to local character.

Living conditions of future occupiers of 74a – outlook and light

14. I acknowledge that No 74a would be extended and have more living space. However, its proposed layout would see the kitchen set internally within the flat, with no external windows. The kitchen would therefore receive no natural light and appear dark and somewhat uninviting. The door of the proposed kitchen would open out onto the hallway, also served by no windows, so no natural light would enter into the kitchen from there. Consequently, the kitchen would not be provided with an adequate outlook or a satisfactory level of natural light, to the detriment of the future occupiers of the flat.
15. Whilst the proposed lounge and one of the bedrooms would benefit from windows, the proposed bedroom on the second floor would only be served with a roof light. Whilst this would provide natural light into the room, it would offer a limited and unsatisfactory outlook for its future occupants. Even if additional rooflights were provided, this would not improve the outlook from the bedroom.
16. I conclude that the proposed development would not provide adequate living conditions for the future occupiers of No 74a with regard to outlook and light. As such, the proposal would conflict with Policy L7.3 of the Trafford Local Plan – Core strategy (2012) (CS) which states that development must not prejudice the amenity of future occupiers. It would also not be in accordance with PG1 which seeks to ensure good design. Furthermore, it would conflict with the Framework which seeks to ensure that developments provide a high standard of amenity for future users.

Living conditions of occupiers of No 2 - privacy

17. No 2 is an end terrace house separated from the appeal site by the alleyway at its rear, with the side elevation and an outrigger side elevation of No 2 lying adjacent to the alleyway and opposite the rear of properties along Flixton Road. No 2 has a back yard/garden which also lies adjacent to the alleyway. The outrigger side elevation contains windows at ground and first floor level. The distance between No 2 and the rear elevations of No 74a and No 76a does not currently allow for unacceptable levels of overlooking. As a result of the proposed extension, the distance between the rear elevations of No 74a and No 76a and the side elevation of No 2 and its outrigger would be reduced.
18. However, the proposed extension is slightly offset from No 2's outrigger window, and the angle of the outrigger of No 2 and the proposed windows of Nos 74a and 76a would be at an oblique angle. Furthermore, there is a boundary wall which partially screens the ground-floor outrigger window. The first-floor window of No 2's outrigger side elevation serves a bathroom, a non-habitable room. Intervisibility, between properties and neighbouring gardens is not uncommon in built-up urban areas, and despite a reduction in the gap between the properties, I do not consider that the occupiers of No 2 would suffer a significantly harmful loss of privacy or overlooking as a result of the proposed extension.
19. Consequently, I conclude that the proposed development would not harm the living conditions of the occupiers of No 2 with regard to privacy. As such, the proposal would accord with Policy L7.3 of the CS which states that development must not prejudice the amenity of occupants of adjacent properties by reason of overlooking. It would also accord with PG1 which aims to ensure good standards of design for residential developments. Furthermore, it would be in accordance with the Framework which seeks to ensure that developments provide a high standard of amenity for existing users.

Living conditions of future occupiers of No 74a and No 76a and neighbouring occupiers - noise and disturbance

20. Commercial and business uses have the potential to affect the living conditions of neighbouring occupiers in mixed-use and residential areas, through issues such as odour and increased noise. The proposal includes an extension to the existing commercial use (Class E) on the ground floor. The Class E use would be in proximity to properties on Flixton Road, Roseneath Road and the two flats above. Interested parties have highlighted problems that have occurred from other Class E uses nearby, such as food and drink establishments, with problems such as anti-social behaviour and late-night noise and disturbance.
21. However, paragraph 55 of the Framework indicates that decision-takers should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. I consider that, had I allowed the appeal, planning conditions could have been imposed to ensure that the proposed Class E use would not harm the living conditions of neighbouring occupiers. For example, the hours of use of the commercial operation could have been limited, or the proposal limited to specific uses within Class E. Furthermore, noise assessment reports and mitigation measures could have been conditioned to ensure that potential disturbance was minimised. As such, I do not consider that the proposed commercial use would lead to additional noise and disturbance to future or existing occupiers.

22. While noise and disturbance can occur from an increase in bin storage and car parking, the number of flats would not increase. The proposal would therefore not lead to a large increase in occupiers using the external yard. Consequently, there would not be an unacceptable increase in noise and disturbance in this regard.
23. Accordingly, I conclude that the proposed development would provide adequate living conditions for the future occupiers of Nos 74a and 76a, and neighbouring occupiers with regards to noise and disturbance. As such, the proposal would accord with Policy L7.3 of the CS which states that development must not prejudice the amenity of future occupiers and occupants of adjacent properties by reason of noise and disturbance. It would also accord with PG1 which aims to ensure good standards of design for residential developments. Furthermore, it would be in accordance with the Framework which seeks to ensure that developments provide a high standard of amenity for future and existing users.

Other Matters

24. I understand that the appellant undertook pre-application discussions with the Council in advance of the submission of the planning application, and the appellant's frustrations about the Council's handling of the case are noted. However, the concerns expressed regarding the Council's handling of the planning application are outside the remit of this appeal.

Planning Balance

25. I note that there are no objections received from statutory consultees, with planning conditions proposed by the Environmental Health Officer and Local Highways Authority to ensure cycling and refuse facilities are appropriate and ensure that control over access, parking, servicing, and amenity is preserved. However, these are requirements for the majority of new developments, and are therefore neutral factors in the planning balance.
26. The fencing at the appeal site detracts somewhat from the visual appearance of the area. However, it has not been demonstrated that the proposal is the only means of improving the site, and so I afford this limited weight.
27. The principle of providing residential and commercial floorspace in the town centre is acceptable, and would provide economic and social benefits, consolidating and expanding an existing commercial use and allowing for an increase in residential floorspace. Furthermore, the proposal would have environmental benefits, being in a highly sustainable location close to public transport, schools, and local facilities and amenities. The proposal would make effective use of previously developed land, optimising an under-utilised site, as promoted by the Framework. I afford these benefits moderate weight.
28. I have found that the proposed development would not harm the living conditions of No 2 with regard to privacy, and would not harm the living conditions of future occupiers and neighbouring residents with regard to noise and disturbance. The proposal would have moderate economic, social and environmental benefits. However, I have found that the proposal would harm the living conditions of the future occupiers of No 74a with regard to outlook and light and would harm the character and appearance of the area. These harms are the overriding considerations in this case and the harms that would result from the development would be of greater significance than the benefits.

29. Even if the Council's inability to demonstrate five year's supply of deliverable housing land were relevant to this case, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Furthermore, the proposal would not amount to sustainable development in the context of the Framework.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal is dismissed.

L C Hughes

INSPECTOR