



Appeal Decision

Site visit made on 5 April 2024

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 May 2024

Appeal Ref: APP/U4230/W/23/3327816

Crosslands Road, Boothstown, Salford M28 1JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stuart Broadbent against the decision of the Council of the City of Salford.
 - The application Ref is 22/80713/OUT.
 - The development proposed is access to the site to allow 1 no new build 3 bed dormer bungalow dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Stuart Broadbent against the Council of the City of Salford. That application is subject to a separate Decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved for future consideration except for means of access. Appearance, landscaping, layout and scale are reserved for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes only.
4. Since the appeal was submitted, the Council has adopted Places for Everyone¹ as part of the statutory Development Plan for Salford. The main parties were given the opportunity to comment on the adopted plan and the Council has listed policies which should be considered along with the Local Plan policies cited in the reasons for refusal. I have taken these into account accordingly.
5. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023 and is a material consideration in this appeal. Having considered the revisions to the Framework, as well as the principles of natural justice, together with the nature of the determining issues in this appeal it is clear to me that there are no material changes in the revised Framework relevant to the substance of this appeal. Therefore, I do not consider it necessary, in this instance, to invite any submissions from the parties on the revised Framework.

¹ Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039, Adopted 21 March 2024.

Main Issues

6. The main issues are the effect of the proposed dwelling on:-

- the character and appearance of the surrounding area; and
- the living conditions of the occupiers of the existing nearby dwellings by reason of overlooking and those of future occupiers of the proposed dwelling in relation to the standard of accommodation.

Reasons

Character and Appearance

7. The appeal site comprises part of an undeveloped area of land with Crosslands Road to the south and the A580 East Lancashire Road to the north. The area is mainly residential in character comprising mostly of two-storey semi-detached houses. A newer development has been built further along Crosslands Road to the south-west. Whilst this differs in appearance to the semi-detached houses, the latter are more typical of the style, scale and orientation of dwellings that characterise the immediate area.
8. The site is modest in size and development would be constrained by its triangular shape, size and the proximity of Crosslands Road and the A580 East Lancashire Road. The land also rises in level from Crosslands Road. It includes trees and hedges which provides a screen and backdrop to the busy A580. There is a dropped kerb to the front of the site and this would be repositioned to provide access to the proposed dwelling.
9. Whilst the submitted layout is not binding, it indicates a three bedroom dwelling which would be positioned with its side gables facing Crossland Road and the A580 East Lancashire Road. The layout also indicates how two car parking spaces could be provided and includes an area of private amenity space.
10. The indicative orientation is logical given that there could be noise and air pollution issues should a dwelling have windows facing the A580 at such close proximity. The avoidance of windows facing the A580 is also consistent with the pre-application advice from the Council. However, this would result in a dwelling that differs from the semi-detached properties in Crosslands Road, which face the road, and would present a side gable close to the Crossland Road boundary.
11. The residential development to the south-west of the appeal site² includes a dwelling with its gable facing Crossland Road. However, this is not typical of the area, and in any case, it differs from the appeal site in its position close to a bend in the road and its relationship to the houses opposite. Having said this, a dwelling orientated in a similar way may not be out of keeping depending on its scale, height and design and importantly its proximity to the road.
12. Although the principle of a residential dwelling on this site is not disputed, an assessment of the proposal cannot discount the constraints of this site. One of which is the proximity to the A580 and the fact that the appeal site is within the greater Manchester Air Quality Management Area. The Council's consultants on air quality noise and land contamination indicates that it is likely that new

² Planning Application Ref: 20/75901/FUL.

- occupants would be exposed to air pollution above the health based limit values.
13. Another constraint relevant to this site relates to trees and vegetation. The submitted Tree Report was prepared in 2009 for an earlier scheme to develop the site³. This indicates the removal of trees and shrubbery and tree protection measures for trees to be retained. Trees and vegetation will have grown and/or changed in the years since the survey was carried out. The trees are not protected by a Tree Preservation Order but the existing trees, hedges and vegetation contribute to the character of the area as a backdrop to the A580 East Lancashire Road when viewed from Crosslands Road. They also contribute to the verdant character of this section of highway as viewed from the A580. Without an up to date survey, it is not possible to ascertain what is worthy of retention and what protection measures are necessary along with any replanting as appropriate.
 14. Appearance, landscaping, layout and scale are reserved matters. The reserved matters application would provide details to show the development's relationship with the design and positioning of existing houses in Crosslands Road. Furthermore, a reserved matters application could include noise and air quality assessments and an up to date tree report which would provide the necessary parameters for a new dwelling.
 15. However, the description of development for this outline application is very specific. It expressly proposes a three bedroom dormer dwelling which in order to provide accommodation of acceptable standards, would require an appropriate scale of development. This would subsequently also need to address the constrained nature of the site (existing trees and vegetation and proximity to the A580).
 16. Given the constraints of the site, matters such as the acceptability of the dwelling being gable on to Crossland Road and details such as boundary fencing are reasonable concerns in assessing the proposal in terms of its effect on the character and appearance of the area. Furthermore, the dwelling may need to be positioned further away from the northern boundary which would also impact on the dwelling's position and appearance on the street scene.
 17. For these reasons, whilst some details could be determined at reserved matters stage, I am not satisfied that the proposed development could be successfully incorporated into the street scene without causing harm to the character and appearance of the area.
 18. Notwithstanding the outline nature of the proposal, for the reasons set out above, a three bedroomed dormer bungalow would have a harmful effect on the character and appearance of the area. Consequently, the proposed development would conflict with Local Plan Policies D1, D2, and G15 as well as Places for Everyone Policy JP-G7. These collectively seek, amongst other matters, to require development to have regard to a site's context and the characteristics of the area, as well as seeking to protect and enhance trees. Moreover, the development would conflict with paragraphs 135 and 136 of the Framework. These recognise the important contribution that trees make to the character and quality of the urban environment and require development to be sympathetic to local character.

³ Planning Application Ref: 08/57109/FUL.

Living Conditions

19. Given the outline nature of the proposal, no elevational drawings are submitted. The proposal is for a dormer bungalow and this would indicate that the height of a dwelling would reflect a single storey dwelling in terms of eaves height. Dormer windows would be installed in the upper floor.
20. The adjacent property, 36 Crosslands Road includes windows in the side elevation facing the appeal site. However, there is a garage between the appeal site and the house at No 36 and given the distance involved, overlooking of windows or garden space is unlikely to be significant. However, this would be dependent on the eventual positioning of windows in the proposed dwelling. Based on the evidence presented and my site visit observations I am satisfied that reasonable levels of privacy could be achieved and the proposed development can be accommodated at the site which would not lead to unacceptable overlooking. Whilst the proposal may have some impact on future development or extension at No 36, there is no scheme before me at this time that would justify preventing development on the appeal site.
21. The proposed dwelling would be directly opposite houses on the southern side of Crosslands Road. The submitted illustrative drawings indicate that the distances between the proposed dwelling and the neighbouring properties would be unlikely to result in any overlooking. This is provided there would be no windows to habitable rooms facing those in the neighbouring properties. Their outlook could be affected but this could depend on the eventual height and proximity of the proposed dwelling. Depending on these matters, the proposed dwelling would not appear unduly overbearing. Matters such as loss of view is not a determining factor in assessing this proposal.
22. The Council state that the internal floor plans do not meet the Nationally Described Space Standards. In particular with regard to eaves and roof space and the potential restriction to outlook and natural light to ground floor windows facing east. The layout is subject to later determination and therefore it is not reasonable to judge room sizes on the basis of this submission. As I have stated, the site is constrained which would affect the positioning of windows. However, given the outline nature of the proposed development, I also cannot conclude that this would result in poor living conditions for future occupiers.
23. I am satisfied that the site can successfully accommodate the proposed development without having a detrimental impact on the living conditions of the occupiers of the existing nearby dwellings by reason of overlooking and those of future occupiers of the proposed dwelling in relation to the standard of accommodation.
24. Therefore, at this stage, I find no conflict with Local Plan Policies D5, D7 and H2 as well as Places for Everyone Policy JP-H3. These seek, amongst other matters, to ensure residential developments are designed to provide acceptable levels of amenity and comply with the nationally described space standards. Moreover, it would also conflict with paragraph 135 of the Framework which also requires a high standard of amenity for existing and future users.

Conclusion

25. Taking into account the outline nature of the proposal, I have found that the development would be acceptable in terms of the living conditions of the occupiers of the existing nearby dwellings and those of future occupiers of the proposed dwelling. However, the development would have a harmful effect on the character and appearance of the area, to which I attach significant weight. There are no other matters that would outweigh the harm I have found.
26. 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. Consequently, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR