



Appeal Decision

Site visit made on 9 July 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2024

Appeal Ref: APP/Q4245/W/23/3331458

2 Dulwich Close, Sale M33 4ZP

- 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 Dr Moothedath Hariprasad against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 110868/FUL/23.
 - The development proposed is described as 'proposed extension of garden into adjoining plot. New boundary to be erected in wooden fence. Existing fence in garden to be removed. Small parcel of land currently accumulating litter to be incorporated into existing garden. The parcel of land is owned by Bellway Homes Limited to whom we have given notice on 13/05/2022 to which Bellway Homes Limited have responded in writing on 26/05/2022 agreeing to our proposal -copy of their permission attached'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is part of an area of incidental open space of varying width that is located between the rear or side boundaries of residential properties and the pavement of Manor Avenue. Manor Avenue has a predominantly residential streetscape which, near to the site, is lined on both sides by mature landscaped areas which separate the buildings from the road. Whilst it does not have a recreational use, the site contributes to the attractive sylvan and verdant character and appearance of Manor Road in a positive manner.
4. The proposed fence would be the only solid boundary treatment in a position close to the pavement between the junctions of The Avenue and Moss Lane. There would be no scope to soften its appearance through any meaningful landscaping. Accordingly, it would represent an incongruous encroachment into an incidental area of open space and, even though the existing mature tree it contains would be retained, it would detract from the street scene through the erosion of its verdant character.
5. The appellant has drawn my attention to examples of boundary fences sited close to the edge of the pavement on Manor Avenue, which I observed during my site visit. Whilst such examples, and others on Manor Road further away from the site, form part of the streetscape, in total they adjoin a relatively

short stretch of Manor Avenue. As such, they do not define the character of the area and, therefore, they do not provide clear or convincing justification for the scheme that is before me.

6. I conclude that the proposed development would be harmful to the character and appearance of the area. It therefore conflicts with Policy L7 of the Core Strategy and the National Planning Policy Framework which, amongst other things, requires development to be appropriate to its context, enhance the street scene and add to the overall quality of the area.

Other Matters

7. I appreciate that the proposal would result in a larger garden to 2 Dulwich Close and that would be beneficial to the health and wellbeing of its occupants. Nonetheless, there is no substantive evidence before me that the existing garden is substandard in size, or that there is a deficit of publicly accessible open space within the wider area, to the extent that the occupants' living conditions are harmed. In addition, I acknowledge that the appeal site may be subject to littering and anti-social activity. There is, however, no substantive evidence before me to conclude that the appeal proposal is the only option to address such issues. Accordingly, such matters do not justify the development that has a visually harmful effect upon the quality of the street scene.
8. Whilst the proposal may not have an adverse impact on the safety of pedestrians or cyclists, that would be a neutral factor that would not weigh in its favour.

Conclusion

9. The development conflicts with the development plan when considered as a whole and there are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
10. Accordingly, I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR