



Appeal Decision

Site visit made on 16 July 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st July 2024

Appeal Ref: APP/Q4245/W/24/3341992

Foxwood, 78A High Elm Road, Hale Barns, Trafford WA15 0HX

- 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 Mr Budebs against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112564/FUL/23.
 - The development proposed is demolition of existing dwelling with attached garage and erection of a single replacement dwelling with detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling with attached garage and erection of a single replacement dwelling with detached garage at Foxwood, 78A High Elm Road, Hale Barns, Trafford WA15 0HX in accordance with the terms of the application, Ref 112564/FUL/23, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant submitted amended plans prior to the Council's determination of the application. The Council considered that the amended plans did not address their concerns regarding the proposed development, and determined the application on the basis of the originally submitted plans. The amended plans included alterations to the proposed gables, the level of glazing proposed on all elevations, the number of solar panels proposed, as well as amendments to the scale and height of the proposed garage.
3. In the absence of evidence that they have been subject to full consultation by the Council, I consider that it would be prejudicial to interested parties to accept them. I have therefore determined the appeal on the basis of the plans listed on the Council's decision notice.

Main Issue

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

Reasons

5. The appeal site is situated in a predominantly residential area, and occupies a generous plot. Part of the site is woodland, which is covered by a blanket tree preservation order (TPO). The neighbouring properties are bordered by well-established hedges and trees. The surrounding dwellings are set back from the highway behind driveways and front gardens. There is little consistency in the

design, size, plot density or appearance of the surrounding properties, which comprise detached, semi-detached dwellings and bungalows. This architectural variety is a distinctive feature of the area.

6. Planning permission has previously been granted at the site for the construction of a replacement dwelling and detached garage.¹ A Lawful Development Certificate² has been granted to confirm that this development has lawfully commenced.
7. There is little uniformity between dwellings, and there is a variety of style in roof form and heights. However, a number of dwellings, including the neighbouring properties at Number 78B and Number 78C High Elm Road (No 78B and No 78C) have accommodation in their roof space.
8. The proposed dwelling would have an increased height over and above the existing property, which sits slightly below the ridge line of adjoining dwellings. However, it would be lower than the ridge level of No 78B and No 78C. The current property has a slightly lower ridge height than No 78 High Elm Road (No 78), the neighbouring property nearest to the proposed dwelling. The proposed dwelling would have a ridge line approximately 1m higher than No 78, but it would be less high than the ridge line of the previously approved dwelling. Furthermore, there are contrasts in ridge heights of surrounding properties, which add to the varied character of the area. As such, the ridge level would not appear as incongruous in this context.
9. The proposed development would incorporate large gable features which would comprise large areas of glazing, and which would extend higher than the ridge level on the proposed dwelling. The gables would also extend higher than the gables and ridge level of No 78. This differs from the previous application, where the gables were set below the ridge level of the proposed property. A number of other properties feature gables, but these are usually smaller than those proposed and generally do not extend above the ridge line.
10. My attention has been drawn to nearby properties on Warren Drive and further along High Elm Road, which have similar gable features to those proposed. When I visited the appeal site, I walked around the area with reference to these dwellings. For various reasons, including location, scale, and the relationship with neighbouring properties, I do not consider that the examples referenced are sufficiently similar to the appeal proposal and its context to be directly comparable. Consequently, I have determined the appeal proposal on its individual merits. The dwellings referenced did, however, highlight the differing styles and designs within the vicinity.
11. I consider that gables extending above the ridge line would not be over dominant or discordant. The large gable features on the proposed development would be commensurate with the overall size of the property, and would not appear as cramped or diminish the plot's sense of spaciousness. Whilst the gables would extend above the ridge line, they would add to the existing architectural variety in this part of High Elm Road, and would therefore contribute to local distinctiveness. Moreover, whilst the gables would be visible

¹ 100044/HHA/20

² 111346/CPE/23

- from public vantage points, the dwelling would be viewed in context with the wider street scene, whereby individual building styles are a feature of the area.
12. The proposal would incorporate a large amount of glazing, both at the front and rear of the property. Again, whilst this would not be typical in relation to surrounding properties, the lack of uniformity between dwellings in High Elm Road would ensure that this design feature would not disrupt a consistent pattern of development, but the fenestration would add to the varied designs and the mix of traditional and contemporary architecture in the street.
 13. The appeal site has a large rear garden and therefore the gables at the rear of the property would not appear overly dominant, large or incongruous in relation to the surroundings. The glazing would serve to minimise the perceived scale and mass of the property from the rear and avoid a dominant expanse of brickwork. The proposed dwelling would be located slightly further from No 78 than the existing and permitted dwelling, and therefore despite the large gables, the mass and bulk of the proposed dwelling would appear reduced. On my site visit, I observed that the rear of the appeal site is largely concealed from public views due to intervening buildings, boundary treatments and landscaping. Given that these features are well-established and that the woodland is covered by a TPO, I have no reason to conclude they are likely to be removed. Therefore, no undue harm to the character and appearance of the area would arise from the rearward setting of the proposed dwelling.
 14. The development would retain the building line of the existing dwelling, and there would therefore be no significant alteration to the relationship between the proposed dwelling and neighbouring properties when compared to the existing or permitted dwelling.
 15. Despite the pitch of the proposed garage roof differing somewhat from the pitch of the gables of the proposed development, I do not consider that it would appear as discordant when viewed alongside the proposed dwelling. The palette of materials and design of the proposed garage would relate well with the dwelling and ensure visual continuity. Despite the proposed garage being larger than the current or permitted structure, the generous plot size and the separation distance between the proposed garage and No 78B and No 78C ensure that it would not appear as cramped or over dominant in the street scene.
 16. As such, I conclude that the proposal would not harm the character and appearance of the area. The proposed development would comply with Policy L7.3 of the Trafford Local Plan: Core Strategy (2012) which seeks to ensure that developments must be compatible with the surrounding area and with Policy JP-P1 of Places for Everyone (2024) which seeks to ensure that developments respect and acknowledge the character and identity of the locality in terms of design, siting, size, scale and materials used. Furthermore, it would comply with the National Planning Policy Framework which highlights that developments should be sympathetic to local character and the National Design Guide which states that development should relate well to the site, its local and wider context. It would also comply with guidance contained within Supplementary Planning Guidance 1 – New Residential Development (2004) which recognises the importance of maintaining and enhancing the character of established residential areas.

Other Matters

17. The appellant's frustrations about the Council's response to the amended plans has had no bearing on my determination of the appeal. I have only had regard to the planning merits of the case.
18. With regards to the housing land supply position and latest housing delivery test figures, this matter does not require further consideration in this instance as I have found the proposed dwelling to be acceptable on its own merits and that the proposal complies with the development plan.
19. I note the concerns from interested parties regarding land ownership issues and the woodland. However, the issue of land ownership was considered at the planning application stage and the applicant signed a certificate detailing that he is the sole owner of the land which is the subject of the appeal. I have no substantive evidence that this is not the case, and have determined the appeal on this basis. Concerns regarding covenants on the land are a separate legal matter outside the remit of this appeal, as is the removal of boundaries by owners of neighbouring properties.

Conditions

20. The Council have suggested a number of conditions which I have considered against the advice in the Planning Practice Guidance. Where appropriate, I have adjusted the wording of the conditions to improve relevance, precision and enforceability, and to prevent unnecessary duplication.
21. In addition to the standard time limit condition, I have imposed a condition listing the approved plans, as this provides certainty (conditions 1 and 2).
22. Condition 3 is a pre-commencement condition, to which the appellant has agreed. It is necessary to require a construction management scheme prior to the commencement of development, to maintain highway safety.
23. I have included conditions requiring details of hard and soft landscaping, the submission of samples of external materials, and requiring minimum external reveals of window and door openings, as these are necessary to protect the character and appearance of the area (conditions 4,5 and 6). I have reduced the requirement of deep reveals for windows and doors from the suggested 100mm to 75mm to ensure that rainwater will not collect within the cavity of the external wall.
24. Conditions 7 and 8 are imposed to ensure that the side window in the upper floor of the development, along with the privacy screen for the first-floor terrace are obscured glazed, in order to protect the living conditions of neighbouring residents and future occupants of the development.
25. The Council suggested a condition stating that the development shall be carried out in strict accordance with the Biodiversity Enhancement details shown on the approved plans. However, this is covered by condition 2.

Conclusion

26. For the reasons given above, the appeal should be allowed.

L C Hughes INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with plan numbers: 946 PA-03; 946 PA-04; 946 PA-05; 946 PA-06 Rev A; 946 PA-07; and 946 PA-08.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) suitable hours of construction and pre-construction activity;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding;
 - vi) measures to control the emission of dust and dirt during construction and procedures to be adopted in response to fugitive dust emissions;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works (prohibiting fires on site);
 - viii) measures to prevent disturbance to adjacent dwellings from noise and vibration, including any piling activity;
 - ix) information on how asbestos material is to be identified and treated or disposed of in a manner that would not cause undue risk to adjacent receptors;
 - x) information to be made available for members of the public.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence above ground level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the formation of any banks, terraces or other earthworks, hard surfaced areas and materials, planting plans, specifications and schedules (including planting size, species and numbers/densities, existing plants/trees to be retained and a scheme for the timing/phasing of implementation works.

The landscaping works shall be carried out in accordance with the approved scheme for timing/phasing of implementation or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

If, within a period of 5 years from the date of planting, any trees or shrubs are removed, uprooted, destroyed or die or become seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or

death of the original tree unless the local planning authority gives its written consent to any variation.

- 5) No development above ground level shall take place until samples and/or full specification of all external facing materials have been submitted to and approved in writing by the local planning authority in writing. The development shall be carried out in accordance with the approved sample details.
- 6) All windows and door openings shall be constructed with minimum 75mm deep external reveals.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any equivalent Order following the amendment, re-enactment or revocation thereof) upon first installation, the window in the first floor on the side elevation facing no. 78 High Elm Road, shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.
- 8) Prior to the first-floor terrace first coming into use the privacy screen as shown on the approved plan shall be fitted to a height of no less than 1.7m above finished floor level with an obscuration level of no less than Level 3 of the Pilkington Glass scale (or equivalent) and retained as such thereafter.

*****END OF SCHEDULE*****