



Appeal Decision

Site visit made on 11 July 2024

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 August 2024

Appeal Ref: APP/Q4245/W/24/3336557

Land adjoining 44 and 46 Baxter Road, Sale M33 3AL

- 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 C Raggett against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 110704/FUL/23.
 - The development proposed is demolition of garage and erection of two dwellings, plus ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision, the Places for Everyone Joint Development Plan Document (PfE Plan) has been adopted and now forms part of the development plan for the area. In its appeal statement, the Council has referred to a number of policies within the PfE Plan which it considers relevant to this appeal, and has provided copies. The appellant has had the opportunity to respond, and I am satisfied that neither party has been disadvantaged by the change in policy context.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, and
 - the living conditions of the occupiers of 44 and 46 Baxter Road, with particular regard to light and outlook.

Reasons

Character and appearance

4. There are a mix of dwelling types and styles along Baxter Road, but the predominant form are pairs of semi-detached town houses, dating to the nineteenth century. Most of the buildings are two-storey, although bungalows are also present, and dotted along the street are several examples of substantial, three-storey villas. These larger properties include the semi-detached houses at 44 & 46 Baxter Road (Nos. 44 & 46).
5. Houses along Baxter Road are generally set back from the road behind front gardens, many with low boundary walls, hedges and other soft landscaping.

The variety and architectural quality of many of the houses, and the greenery in front gardens, provide an attractive streetscape to Baxter Road.

6. The detached and semi-detached houses along Baxter Road have driveways or passageways to the sides, with larger spacing between some of the older villas. Garages and side extensions have reduced the gaps between some of the houses, but these are generally at single storey height only, so the sense of separation between the houses is maintained. There are exceptions, such as 55 Baxter Road, which occupies its entire plot width, but these are uncommon. The spacing between the buildings forms an important aspect of Baxter Road's character.
7. The large villas at Nos. 44 & 46 are set within a particularly spacious plot, with gardens to the sides as well as the front and rear. This means there are substantial gaps between the villas and the adjacent properties on either side. With decorative brickwork and prominent gables on the front and side elevations, Nos. 44 & 46 are an attractive pair of houses. Owing to their overall height, appearance and the generous space around them, the pair of existing semis form an imposing and distinctive feature within the streetscene, which contributes positively to the character of the area.
8. The proposed detached houses would be built in the gardens on either side of Nos. 44 & 46. In principle, additional housing would be acceptable in this location, but the Planning Guidelines for New Residential Development 2004 also makes clear that infill development will not be accepted at the expense of the amenity of surrounding properties, or the character of the surrounding area.
9. The proposed houses would have projecting front gables and deep roofs, which would allow living accommodation to be provided over three floors. The houses would be only slightly lower in height than the existing villa, which has the appearance of being at an elevated position in the street. The house at plot 2 would step down towards, but would be markedly higher than, the adjacent 1930s style property at 42 Baxter Road (No. 42). Owing to their height and appearance, the new dwellings would appear highly prominent in the streetscene.
10. The submitted plans show that gaps of around 2m would be retained at the outer sides of the plots, adjacent to the common boundaries with No. 42 and 24 & 26 Wardle Road which back onto the site (Nos. 24 & 26). This spacing, whilst not particularly generous, would broadly reflect the gaps between other houses along Baxter Road. The rear gardens of Nos. 24 & 26 would ensure that a substantial gap was retained between the adjacent large pair of semis, and the new house on plot 1.
11. Whilst the relationship between the new houses and the adjacent properties on either side would be broadly satisfactory, this would not be the case in relation to Nos. 44 & 46. The new, reduced, plots for Nos. 44 & 46 would have small gaps at the sides, but this would not be replicated for the new houses, which would extend up to their inner plot boundaries. As a result, the spacing between the new houses and Nos. 44 & 46 would be markedly less than that which is typical of this street, and would appear out of character here.
12. The reduction in spacing around Nos. 44 & 46 would be exacerbated by their projecting side gables. These are distinctive features of the villas, with large

- windows overlooking the gardens. Although set back from the front building line, their presence would further reduce the physical gaps between Nos. 44 & 46 and the new houses on either side.
13. This lack of spacing would result in a cramped appearance between the new houses and Nos. 44 & 46, with views of the distinctive side gables of the villas obscured. Owing to their siting and substantial scale, the proposed development would detract significantly from the appearance and prominence of one of the most important buildings in the street.
 14. The contemporary appearance of the proposed houses would differ from the older buildings in the street, but there is already variety in the style of housing along Baxter Road. The houses would mirror each other, to reflect the symmetry of Nos. 44 & 46, and the front bays would provide depth and interest to the designs. The prominent front gables would be of a steeper pitch than those of the immediately adjacent properties, but given the variation in the roofscapes of the surrounding houses this in itself would not necessarily be objectionable. However, whilst their design would not be unattractive, the new houses would visually compete with Nos. 44 & 46, and would detract from the existing building for the reasons described above.
 15. The main garden areas at Nos. 44 & 46 are to the sides of the houses, but these would be replaced by built development, with a resultant loss of greenery, particularly to the side of No. 44. In addition, the provision of eight parking spaces in front of the four houses would involve removal of substantial sections of the hedge along the frontage, as well as trees and vegetation in the existing front and side gardens. These changes would erode the green and leafy appearance of this part of the street, causing further harm to the character of the area.
 16. The appellant has referred to the emerging Trafford Design Code, and I agree that, in some respects, the proposed houses would comply with its requirements. I also note references to recent residential developments at 108 Marsland Road and 87 Hope Road, Sale, which were considered acceptable by the Council despite objections on design grounds. However, those developments are located on streets which are very different in character to Baxter Road. I have considered the appeal proposal within its surrounding context, and have found that the relationship between the proposed development and the existing houses at Nos. 44 & 46 would be unacceptable for the reasons set out.
 17. I conclude that the proposal would cause significant harm to the character and appearance of the area. It would conflict with Policies L2.2 and L7.1 of the Trafford Local Plan 2012, which together require that new housing development is not harmful to local character, and must enhance the street scene by addressing, amongst other factors, matters of scale, height, layout, and hard and soft landscaping. There would be further conflict with Policy JP-P1 of the PFE Plan, which has a similar objective in terms of the attributes of development.

Living conditions

18. The side elevations of the new houses, which would extend over three storeys, would be very close to the large windows on the projecting side gables of Nos. 44 & 46. No floorplans have been provided for the existing villas, so I can

only assume that some of these large windows, which look out over the side gardens, will serve habitable rooms.

19. The appellant has advised that, owing to the presence of another rear facing window, there are no principal habitable room windows on the side elevation of No. 44. However, it is not clear if this applies to rooms on all three storeys, and no such assurance is provided regarding the situation at No. 46. Photos provided by a neighbour indicate that there are no rear facing windows serving the rooms at the side of No. 46, suggesting that the side facing windows are the only openings serving those rooms.
20. The existing open outlook from side facing windows at Nos. 44 & 46 would be replaced by solid brick walls at full height, a very short distance away. The result would be oppressive, creating a feeling of enclosure. From this information provided it seems likely that this will affect principal windows serving habitable rooms, particularly at No. 46, with resultant harm to living conditions.
21. Information provided by a neighbour indicates that the outlook from side facing windows on the rear outrigger of No. 46 may also be affected by the proposed building on plot 1. Any such effect would be less than that described above, given the distance between the outrigger and the new building. Nonetheless, this could cause further harm to the living conditions of occupiers of No. 46.
22. The appellant's sunlight study has assessed the effect of the proposal on light and shadowing, in relation to Nos. 44 & 46, and other nearby properties. However, the effect on sunlight and daylight reaching the side windows at Nos. 44 & 46 is not clear. Given the proximity of the proposed houses to those windows, particularly those on the projecting side gables, it seems inevitable that the development would result in some reduction in daylight and sunlight to the affected rooms. This is a particular concern in the case of No. 46, as it seems likely that affected habitable rooms are not served by any other windows.
23. The appellant has highlighted that overshadowing and shading were also concerns in proposals for developments at Skaife Road, Sale Moor, and 108 Marsland Road, but found to be acceptable. That may be the case, but the relationship between those developments and the adjacent properties would have been different. Information provided as part of this appeal has not provided the necessary assurance that the impacts of the proposed houses on adjacent occupiers would be acceptable.
24. On the basis of the details provided, I conclude that the proposal would cause unacceptable harm to the living conditions of neighbouring occupiers at No. 44 and, to a greater extent, No. 46, due to loss of outlook and light. In this respect, there would be conflict with Local Plan Policy L7.3, which requires that development must not prejudice the occupants of adjacent properties, including through overbearing or overshadowing effects.

Other considerations

Housing supply

25. There is no dispute that the Council is unable to demonstrate a five-year supply of deliverable housing sites, with both parties noting a shortfall of around 3.7 years. The most recent Housing Delivery Test measurement indicates that, for

the period 2019-2022, 65% of the required homes were delivered in Trafford. This is a significant shortfall that needs to be addressed.

26. Owing to the housing supply situation, paragraph 11 d) ii. of the National Planning Policy Framework (the Framework), requires that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Planning policy

27. The most important policies for determining the appeal are Local Plan Policies L2 and L7, and Policy JP-P1 of the PfE Plan. Together, these policies seek to achieve high quality design which protects and enhances the character of the area whilst safeguarding the amenity of neighbouring occupiers. As they are consistent with the objectives for achieving well-designed places set out in Framework paragraph 135, I give significant weight to the conflict with Policies L2, L7 and JP-P1 in this appeal.

Planning Balance and Conclusion

28. The proposal would provide two family sized homes which would make a positive, albeit small, contribution towards meeting local housing needs. Paragraph 70 of the Framework recognises the important contribution which small sites can make to meeting the housing requirement of an area, and the appellant has confirmed that the site could be built out quickly.
29. The development would make efficient use of land in an urban location, close to a range of shops and services in Sale. The site is within easy walking distance of the Metrolink tram station, which provides access to Manchester city centre and a range of other local destinations.
30. Construction of the houses would provide employment, and future residents would support nearby services and contribute to the local economy. However, the overall economic effect of the proposed two houses would be small.
31. These would be benefits of the scheme, but owing to the scale of the proposal, they would be modest in extent. Set against that, I have found that the proposal would cause significant harm to both the character and appearance of the area and the living conditions of the nearby occupiers, particularly those at No. 46.
32. When taken together, the benefits of the scheme would not be sufficient to outweigh all of the harms, even when the Framework objective of boosting significantly the supply of housing is taken into account. Overall, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
33. The proposal conflicts with the development plan, and there are no other material considerations, including the provisions of the Framework, which outweigh those findings. Consequently, the appeal is dismissed.

R Morgan

INSPECTOR