

Appeal Decision

Site visit made on 28 August 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/Q4245/W/24/3343789

Land to the rear of Alexander House, 94 Talbot Road, Stretford, Trafford M16 0PG

- 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 Blueoak Estates Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 111721/FUL/23.
 - The development proposed is the erection of part 3, part 4 storey building comprising a total of 8 no. apartments with associated parking, cycle/refuse storage and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant submitted amended plans with the appeal, with the aim of overcoming the part of reason for refusal two that refers to the provision of accessible apartments to meet Building Regulations Part M4(2). Although not referenced on the decision notice, this relates directly to a requirement set out in Policy CQ2 of the Civic Quarter Area Action Plan 2023 (CQAAP) that all new residential units are to be built to that standard.
3. Whilst the amendments would lead to a change in the footprint and height of the proposed building, the changes that would be necessary are very minimal to the extent that they would not be readily perceptible in comparison to the originally submitted scheme. I am satisfied therefore that my accepting of the amended plans would not lead to procedural unfairness to anyone involved in the appeal. This therefore overcomes the part of reason for refusal two in question.
4. Since the planning application was determined, the Places for Everyone Joint Development Plan 2024 (PFE) has been adopted. Some policies of the Trafford Core Strategy 2012 (CS) have as a result been replaced in whole or part, including parts of Policy L7 which is the sole development plan policy referred to on the decision notice. It is evident from the statement of case provided by the appellant that they are aware of this change to local planning policy and I have proceeded on that basis.

Main Issues

5. The main issues are the effect of the proposed development on (i) the character and appearance of the area, (ii) the living conditions of the existing occupiers of nearby dwellings and (iii) whether acceptable living conditions would be provided for the future occupiers of the proposed apartments.

Reasons

Character and appearance

6. The surrounding built environment is varied in terms of the scale of buildings, their designs, and their use of external facing materials. It ranges from very tall buildings of multiple stories to buildings of a more domestic scale, including buildings that were formerly dwellings but which are now in other uses. Materials include both brick and the more contemporary use of cladding. As a result, it is difficult to pinpoint what the specific character and appearance of the area is in terms of the built form, other than to note the great variation that exists.
7. The proposed building would have a very small footprint and would sit in one corner of the large car park that serves Alexander House. There is currently another large car parking area to its other side boundary. It would at its maximum height be four storeys tall. Because of its footprint and its overall height and width, it would appear as an unusually small construction in the sea of the car parks to either side of it. Furthermore, not only would it be somewhat physically isolated from other existing development, it would be visually distinct from them in its design and appearance.
8. From views taken along Birch Avenue including from Talbot Road, it would appear as an odd addition to the area because of its small scale and positioning. This would especially be the case where views are framed by the much more substantial Alexander House and the Kinetic building. Even with its incorporation of features including stepped brickwork and balconies, its design would be unremarkable and the use of a facing brick that contrasts in colour to other surrounding development would only accentuate its impacts. Taken as a whole, the proposal would cause significant harm to the character and appearance of the area.
9. The masterplan shown in the CQAAP indicates potential development in the car park to the rear of Alexander House, appearing to show a development of a height similar to that of the appeal proposal. However, it also shows a building of a greater footprint than the appeal proposal and a building which is tucked in more behind Alexander House. Such a development would have a greater potential to visually integrate into the area in a manner that would not result in harm, and it would share a better visual relationship with Alexander House. Whilst I have been referred to parts of the draft Trafford Design Code (dTDC), these do not offer support to the appeal proposal in the face of the site-specific concerns I have outlined.
10. My attention has been drawn to the planning application that has been submitted for new development on the adjacent site, in a proposal known as Velocity. However, whilst that development would drop down in height to the rear, the footprint of that aspect would appear to be much more extensive

than that of the appeal proposal. It would also have a design coherence with the proposed taller building adjacent to it. In addition, I cannot be sure that that proposed development would ultimately come forward in that form, or at all, given that I am advised that the planning application in question remains pending. The consideration of this potential adjacent development does not therefore offer support to the permitting of the appeal scheme.

11. I acknowledge that aspects of the scheme such as its landscaping have been designed with the aim of integrating the proposal into the surrounding area, but the benefit of this would be limited due to the size of the site, as would the visual benefit from the removal of a small part of the wider car parking area. There are also sensitivities around the height of development close to the properties at 9-15 Warwick Road which are identified as non-designated heritage assets in the CQAAP, and I note that reference is made to how the appeal proposal has attempted to reflect those properties with its inclusion of two projecting front bays. These considerations do not however overcome or justify the overall harm that would be caused to the character and appearance of the area.
12. For these reasons I conclude that the proposed development would cause significant harm to the character and appearance of the area. Consequently, the proposal would fail to accord with Policy JP-P1 of the PFE where it requires development to respect and acknowledge the character and identity of the locality in terms of design, siting, size, scale and materials used. There would also be a conflict with the aims of the dTDC and the New Residential Development Supplementary Planning Guidance 2004 (SPG) in the same respect, and with the National Design Guide (NDG) and the National Planning Policy Framework (the Framework) where they seek to achieve well-designed and beautiful places.

Existing occupiers

13. The Council's concern in this regard relates to the distance between the windows and communal garden area of the appeal proposal and the boundary with the adjoining Bowden Court apartments site. This distance is said to be 4.5 metres at its closest point. However, the area immediately to the other side of the boundary appears to be heavily overgrown and not useable as garden by Bowden Court residents. From the information provided, it would seem that this unusable area extends a considerable depth and therefore it would mean that an adequate buffer would be provided between the appeal proposal and the garden area serving Bowden Court.
14. For that reason, there would be no conflict with Policy L7 of the CS where it seeks to ensure that new development does not prejudice the amenity of the occupants of adjacent properties through overlooking. There would also be no conflict with the aims of the SPG, the dTDC, the NDG or the Framework in that regard.

Future occupiers

15. The external amenity space provided to the proposed future occupiers would consist of a garden area to the rear at ground level, a communal garden at third floor level and terraces and/or balconies to individual apartments. Neither party has directed me to adopted standards in this regard, although

the balconies are said by the Council to not meet the minimum standards of the dTDC. Whilst this is not an adopted document, it has been subject to public consultation, and I afford it weight as an indication of expectations in this regard.

16. In the event that Exhibition Walk is brought forward, in effect all of the useable ground floor amenity area would be lost. It is the clear intention of the CQAAP to promote Exhibition Walk and the adjacent scheme which is awaiting determination includes provision for the walk. On that basis, it is not reasonable to rely on the ground floor space as being available to contribute towards overall amenity space provision. That leaves the balconies that are limited in size and do not meet the standards of the dTDC, the terraces and the communal garden at third floor level.
17. Whilst the balconies would benefit from an increase in size to bring them to the size envisaged by the dTDC, the presence of the communal garden area would in this case compensate for this. As a whole I am satisfied that the outdoor amenity provision would be adequate to serve the needs of the future occupiers of the proposed apartments. Reference is also made to noise disturbance from the adjacent car park, but the Noise Impact Assessment submitted concludes noise could be controlled through mitigation measures such as glazing type and trickle vents. This too would ensure that there would be no harm in that regard either.
18. In both respects, there would be no conflict with Policy L7 of the CS where it seeks not to prejudice the amenity of future occupiers. There would also be no conflict with the aims of the SPG, the dTDC, the NDG or the Framework in that regard.

Other Considerations

19. The proposal would deliver eight new dwellings, which would make a contribution to the Government's objective of significantly boosting the supply of homes which is set out in the Framework. This is in the context of the Council not being able to demonstrate a 5 year housing land supply, which the appellant highlights as being 3.85 years and which is a situation they consider could worsen on application of the new standard method for calculating housing need set out in the recent Ministerial Statement *Building the homes we need*. Furthermore, the most recent Housing Delivery Test figure puts delivery in the borough at 65%. It is stated that the scheme is viable in its current form and would be completed within 12 months of the discharge of any pre-commencement conditions.
20. It would provide dwellings on a smaller site that is said to be surplus to requirements and under-utilised and would help to provide a mix of housing in the area. Future occupiers would have excellent access to public transport and it is intended that it would be an energy efficient development. It would as such have economic, social and environmental benefits which would extend to attracting new residents to the area, increasing local spend and potentially encouraging further investment. There would also be job creation during the construction phase. Due to the relatively modest number of residential units proposed, these are benefits which collectively offer moderate weight in favour of the proposed development.

21. The proposal would include provision for land to be dedicated to Exhibition Walk, which is an aspiration of the CQAAP. My attention has also been drawn to Policy CQ10 of the CQAAP which seeks to achieve the removal of surplus parking. However, I am not persuaded that the appeal scheme is the only way in which those objectives could be met, and therefore I do not attach weight to either consideration in support of the appeal proposal.

Paragraph 11d)

22. As noted above, the Council is unable to demonstrate a 5 year housing land supply and it has a housing delivery of 65%. This means that paragraph 11d) of the Framework is triggered. This states at paragraph 11d)ii) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

23. The harm to the character and appearance of the area would mean that the proposed development would fail to accord with the aim of the Framework to achieve well-designed and beautiful places. This adverse impact would be significant and long lasting, and it would significantly and demonstrably outweigh the outlined benefits arising from the provision of eight new apartments. As such the presumption in favour of sustainable development set out in paragraph 11d) of the Framework does not apply.

Planning Balance & Conclusion

24. The proposed development would cause significant harm to the character and appearance of the area. Consequently, it would fail to accord with Policy JP-P1 of the PFE and with the development plan taken as a whole. Balanced against this it would provide the benefits I have outlined which collectively offer moderate weight in its favour. Those benefits do not outweigh the harm that would result and the conflict with the development plan.

25. In conclusion therefore, I find that the other considerations in this case do not indicate that a determination should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Graham Wraight

INSPECTOR