

Appeal Decision

Site visit made on 3 September 2024

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2024

Appeal Ref: APP/Q4245/W/24/3343046

101 Cross Street, Trafford, Sale M33 7JN

- 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 Ruocco against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112379/FUL/23.
 - The development proposed is conversion of Public House (Ground Floor and associated beer cellar) to 2no Apartments and 1no Retail Unit with minor elevational changes.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal clearly relates to the proposed apartments and no concerns are raised with the retail unit and minor elevational changes. I have no reason to come to a different conclusion on those elements of the proposals and have determined the appeal on that basis.

Main Issue

3. The main issue raised by this appeal is whether or not adequate living conditions would be created for future occupants of the proposed apartments, with particular reference to privacy, internal layout, and outdoor amenity space.

Reasons

4. The appeal site is a two storey building, with cellar, located on the corner of Cross Street and Mersey Road. The ground floor of the building comprises a vacant, former public house.
5. The building is located within a busy urban environment, which has a mixed character of commercial and residential properties, with high levels of vehicle and pedestrian movements within the locality, particularly along Cross Street.
6. Mersey Road is primarily a quiet residential street, which connects to other neighbouring residential streets. Nonetheless, I consider that footfall along

the pavement, leading to the abundance of shops, restaurants, and other commercial premises on Cross Street, is likely to be relatively high during both the day and at night. A large commercial building and its associated car park is located to the rear of the appeal site also, which further increases the prospect of vehicle and pedestrian movements along this part of Mersey Road.

7. Due to the size, internal configuration and location of the proposed apartments, the only windows to all habitable rooms would have an outlook onto Mersey Road. The juxtaposition of the habitable windows with the pavement on Mersey Road, would allow uninterrupted views into the windows from passers-by and would not provide an acceptable level of privacy for the future occupiers.
8. While I accept that the proposed obscured glazing to a height of 1750mm externally, and 1600mm internally, would offer privacy at low level for future residents, it would not be a satisfactory solution in terms of the outlook from these windows, which are the only windows serving the proposed apartments.
9. There is no dispute between the main parties that the proposed apartments would comply with the Nationally Described Space Standards¹. The internal layouts also appear relatively conventional, and I am satisfied that they would not be contrived. Similarly, while apartment one would not have direct access to the bicycle store in the cellar, there is access available, nonetheless. In addition, the juxtaposition of the proposed bin store, with the bedroom window of apartment one, is sufficiently sited away from the window. As such, the proposed internal layout would not be unacceptably harmful to the living conditions of future occupiers.
10. The proposed development does not include any outdoor amenity space, which is not uncommon for small one bedroom apartments within an urban area. Due to the location of the site, the future occupiers are likely to have access to public open space within easy walking distance, which could serve similar purposes. Therefore, on the evidence before me, I am not satisfied that the lack of private amenity space would be unacceptably harmful to the future occupiers of the apartments.
11. For the above reasons, I conclude that whilst no concerns are raised with the internal layout and lack of outdoor amenity space, on the evidence before me, adequate living conditions would not be created for future occupants of the proposed apartments, with particular reference to privacy. The proposals would therefore conflict with Policy L7 of the Trafford Local Plan: Core Strategy (2012), where this states that development must not prejudice future occupiers' amenity, and with Policy JP-P1 of the Places for Everyone Joint Development Plan Document and the National Planning Policy Framework (the Framework) which require development to provide high levels of amenity.

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

Other Matters

12. A Grade II listed former Farmhouse (List Entry Number: 1067894), 118 and 120 Cross Street, is located on the opposite side of the busy A56, adjacent to the appeal site. The evidence indicates that its special historic interest lies in its late 17th Century architectural details.
13. Due to the juxtaposition of the appeal site with the listed building, and the nature and extent of the proposed works, I consider that the proposals would not have an unacceptable effect on the setting of the listed building, and to its significance as a designated heritage asset. The Council's Heritage and Urban Design Manager has also not raised concerns and I see no reason to disagree.
14. The appellant has raised concerns about the handling of the application and a previous application, as well as the advice received from the Council. However, these are not matters that are relevant to my decision and I have considered the proposed development on its planning merits.

Planning Balance and Conclusion

15. The Council accept that the most recently published Housing Delivery Test results indicate that the Council's delivery of housing was below 75% of the housing requirement over the previous three years. Consequently, the presumption in favour of sustainable development, as set out at Paragraph 11(d) of the Framework applies.
16. In these circumstances, Paragraph 11(d)(ii) of the Framework states that planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
17. The re-use of the ground floor of the building, which is currently vacant, to provide a mixed use retail and residential development would help to support job creation to assist the economy. The provision of two new residential units in an accessible urban area, with good links to public transport opportunities, could be delivered relatively quickly and would also contribute to boosting the supply of housing, as referenced in the Framework. The proposal would also add to the size, mix and choice of housing in the area and the occupation of the apartments would provide social and economic benefits to local services and amenities. There would also be social and economic benefits to local services during the construction phase. Visual improvements to the appearance of the building along a busy road would also be achieved. Noise and disturbance associated with a public house would also be removed from the area, improving the living conditions for existing neighbouring properties. I attach moderate weight to these benefits.
18. While no concerns are raised with the internal layout and lack of outdoor amenity space and the scheme may comply with sound insulation standards, overall, the proposal would not provide satisfactory accommodation for future residents due to the lack of privacy. I attach significant weight to that harm, such that it would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework when taken as a whole. The scheme would not constitute sustainable

development within the meaning of the Framework, and this weighs heavily against the proposal.

19. For the reasons set out above, I conclude that the proposed development would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

N Bromley

INSPECTOR