



Appeal Decision

Site visit made on 20 November 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/Q4245/D/24/3354324

1 Chesham Place, Bowdon, Trafford WA14 2JL

- 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 & Mrs Brown & Manterfield against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113826/HHA/24.
 - The development proposed is described as: 'Widening of existing vehicular gate from 3.320m to 4.800m and installation of new metal driveway gates.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Bowdon Conservation Area.

Reasons

4. The Bowdon Conservation Area (the CA) comprises of the medieval core of Bowdon village which was overlaid and extended by an early Victorian and prosperous suburban community. Now forming part of a residential suburb, the CA predominantly consists of residential buildings with many fine individual residences built in the area, in a variety of architectural styles. Boundaries are often defined by low sandstone walls with native hedging above which gives the area some unity.
5. The Bowdon Conservation Area Appraisal (2016) (the CAA) divides the CA into five character zones. The appeal site is located within Character Zone C '*The Early Victorian Expansion*'. This zone comprises of a range of plot and house sizes and materials, however, the predominant impression is of large houses, built in Bowdon 'white' or cream brick, set in gardens with mature trees and shrubs. The historic boundary treatments comprise of distinctive stone gate posts and low stone walls with planting above which are a consistent presence providing a degree of visual harmony across the CA.
6. Pertinent to the appeal, the significance of the CA is derived from the prevalence of large dwellings set within sizeable plots, the distinctive

nineteenth and twentieth century architecture, the verdant character and the visual harmony provided by the characteristic historic boundary treatments. This assessment is reinforced by the content of the CAA.

7. No. 1 Chesham Place is an attractive Arts and Crafts style house located at the entrance to Chesham Place, a small private cul-de-sac off Stamford Road. It is elevated slightly above road level behind a garden with numerous trees and shrubs and a low stone wall with carved stone gate posts to either side of the driveway entrance. Its historic boundary wall and driveway opening, framed by stone gate posts, and surrounded by mature vegetation make a significant contribution to the building's traditional character. The stone wall is a consistent feature of the streetscene here, extending along the south side of Stamford Road and curving into Chesham Place, framing its entrance and forming an attractive feature of the streetscene. The wall at No 1 is visible from the entrance from Stamford Road as the wall continues into Chesham Place.
8. The appeal property, alongside some of its neighbours, is identified as a positive contributor to the CA. The term 'positive contributor' identifies a building that the Council consider to be a non-designated heritage asset which makes a positive contribution to the Conservation Area. Whilst the appellant appears to dispute that the appeal property is a heritage asset, to my mind owing to its Arts and Crafts Style and the presence of the historic boundary wall, a unifying feature of the CA, the appeal property reflects a substantial number of other elements in the CA in age, style, materials and form and positively reinforces its character and appearance.
9. The Bowdon Conservation Area Management Plan SPD (the CAMP) sets out that harmful development within the CA, i.e. that, which will have a negative impact on the ability to appreciate its architectural history and special interest includes: *'the removal and/or alterations to historic boundary walls, gate posts and/or gate openings'*.
10. The proposed widening of the opening would result in the loss of a sizeable length of the existing historic boundary wall (1.5 metres) to the south, to the detriment of the character and appearance of the appeal property and the streetscene, resulting in a much wider entrance. The proposal would also lead to the installation of more hardsurfacing and the loss of some of the vegetation currently located along the boundary between the appeal property and its neighbour. I acknowledge that the same design and height of gates has already been approved by the Council. However, the substantial width of the gates would ensure that these would be a more dominant feature within the streetscene, emphasising the wider opening within the context of the appeal property, visible from the entrance to Chesham Place.
11. Overall, through the loss of elements that contribute positively, the proposal would erode the traditional character of the frontage, diminishing its contribution to the character and appearance of the CA and adversely affecting its significance as a non-designated heritage asset. My above assessment is reinforced by the guidance contained within the CAA and the CAMP.
12. I acknowledge that some of the gate openings nearby appear to have been widened in the past resulting in the loss of some historic boundary wall. However, evidence of existing harm to the CA is not justification for further harm. Indeed, it is this form of incremental change to features which contribute

- to and positively reinforce the character and appearance of a conservation area, that has potential to dilute and undermine an area's special interest.
13. The proposal would result in the loss of features that contribute positively to the CA. For the above reasons I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the CA as a whole. This would be contrary to the requirements of section 72(1) of the Act. For the same reasons it would cause harm to the significance of the CA as a designated heritage asset.
 14. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets the magnitude of that harm should be assessed. Given the scale and nature of the proposed development, I find that the harm to the CA would be less than substantial. This is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
 15. The appellant sets out that the widening of the access is a public benefit through the improvements arising to highway safety. Both parties have referenced Policy 26 of the CAMP which states that '*Gate openings should not be widened or re-positioned unless it can be proven that access is unsafe. Where gate openings are to be widened or re-positioned on the grounds of highways safety, such change should be restricted to the minimum amount necessary to ensure safe access.*' The CAMP sets out that applicants are required to submit a highway consultant's report to demonstrate highway safety implications.
 16. The appellant has submitted a Transport Technical Note¹. Whilst this concludes that widening the existing driveway access will improve visibility for all road users, improving the overall highway safety at this location, it does not clearly indicate that the access is unsafe.
 17. A letter of support from a local resident references historic near misses with vehicles emerging from the opening. However, the precise circumstances that led to these near misses are unclear, which limits the weight I can give to this. Another letter of support cites more recent examples of near misses from vehicles reversing from the opening. This description is also lacking in detail and carries similar weight. In that regard, the appellant highlights a need to reverse from the access due to the gradient and driving a front wheel drive car. However, in my experience, visibility is likely to improve by reversing into the driveway and exiting from the driveway in a forward gear. Furthermore, whilst this is the appellant's preference, future occupants may have different driving practices.
 18. I nevertheless acknowledge that visibility from the opening is reasonably poor. Nonetheless, Chesham Place is a lightly trafficked private cul-de-sac with a low level of pedestrian traffic and only a reasonably small number of residences. Owing to the short nature of the road, my impression was that vehicle speeds were very low. It is also clearly signposted as a private road with the sign also prohibiting parking and turning which is likely to further limit the number of vehicles accessing the road and parking here. Whilst I note that the appellant has provided a photograph of a car parked on the pavement outside of the

¹ Transport Technical Note by Mode transport Planning, dated 24 May 2024.

appeal site, I did not witness such parking on my site visit which I nevertheless acknowledge only represents a snapshot of time.

19. Owing to the low levels of pedestrian and vehicular traffic and the low speeds of vehicles, I am not convinced that the existing opening is unsafe. This is reinforced by the comments of the Highway Authority which advises that the access has existed for many years and was being used without issues in that period, which is supported by the most recent personal injury collision (PIC) data for the period 01 January 2018 to 31 December 2021.
20. The proposal would result in a limited increase in visibility from the access from 2.4m x 4.4m (north) and 2.4m x 4.0m (south) to 2.4m x 5.5m (north) visibility and 2.4m x 9.0m visibility splay (south). Nonetheless, the access would remain substandard based on the standards set out in Manual for Streets (2007).
21. Whilst I acknowledge that these marginal gains in visibility would result in similarly marginal gains in safety, it has not been demonstrated that the existing access is unsafe. This limits the weight I can attribute to this as a public benefit. On this basis the public benefits of the proposal would not be sufficient to outweigh the harm to the designated heritage asset to which I must give considerable importance and weight.
22. The proposal would fail to preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of section 72(1) of the Act. There would also be harm to the significance of a non-designated heritage asset. The proposal would therefore conflict with the provisions within the Framework which seek to conserve and enhance heritage assets. The harm to heritage assets would be contrary to Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan Document (2024) and Policy R1 of the Trafford Core Strategy (2012). Together, these policies seek to ensure new development constitutes high quality design that conserves the historic environment and preserves and enhances heritage assets.
23. Furthermore, the proposal would also conflict with the guidance contained within the CAA and the CAMP, as set out above, which together seek to ensure new development preserves or enhances the character or appearance of the CA. Similarly, there would also be conflict with the guidance contained within the Guide for Designing Housing Extensions and Alterations SPD (2012) which seeks to ensure that boundary treatments that characterise an area are conserved.

Conclusion

24. The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR