



Appeal Decision

Site visit made on 8 October 2024

by G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th December 2024

Appeal Ref: APP/Q4245/W/24/3345069

Pepper House, North Road, Hale Barns WA15 0NS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Mark Oakes of LMO Property Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref 112310/CND/23 sought approval of details pursuant to conditions Nos 4 and 14 of a planning permission Ref 93024/FUL/17, granted on 15 October 2018.
 - The application was refused by notice dated 8 January 2024.
 - The development proposed is erection of 4no self-contained apartments with associated parking and landscaping.
 - The details for which approval is sought are:
 - 4. a) Notwithstanding the details submitted to date, none of the residential units hereby approved shall be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include new ornamental tree-planting, any proposed changes to existing ground levels, means of enclosure and boundary treatment, including full details of the boundary adjacent to the adjoining public right of way (footpath No.5 Hale), hard surfaced areas and materials, planting plans specifications and schedules (including planting size, species and numbers/densities), existing plants to be retained and shall show how account has been taken of any underground services.
 - b) the landscaping works shall be carried out prior to the first occupation of the approved dwellings.
 - c) any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted.
 - 14. None of the residential units hereby approved shall be occupied unless and until a traffic light system has been installed on the access road in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The approved traffic light system shall be retained and maintained in working order thereafter.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. It has been brought to my attention that the Council has approved details reserved by conditions 4 and 14 in May 2024 under a different application¹. The appellant has since submitted revised plans with this appeal which included the hard and soft landscaping plans and planting schedule that were

¹ 113043/CND/24

approved in May 2024, although the plans for the boundary treatment and particularly the boundary wall and gate submitted with this appeal vary from those approved by the Council.

3. The revised plans are not significantly different from that which is before me and have been approved by the Council under a separate application which itself would have been consulted upon. No parties would be prejudiced by my accepting the revised plans under this appeal and I have made my determination on that basis.
4. Some of the soft landscaping and planting appears to have already taken place in accordance with the approved plans. The boundary wall and associated planting also appears to have been erected in accordance with the plans submitted with this appeal, although this has not yet been completed. As such, I have had regard to the development that has already taken place as well as the plans before me.
5. The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan (PFE) was adopted in March 2024 which was after the application was refused. Given that the PFE now forms part of the development plan I have had regard to it in the determination of this appeal. The appeal was submitted after the PFE was adopted and thus both parties had the opportunity to comment on it in their evidence.
6. The address given on the application form refers to 'Greenacres' but based on the information before me this is the neighbouring property. The appeal form, decision notice and the evidence submitted for this appeal refers to the appeal property as 'Pepper House'. As such, I have used that name in the address in banner heading in the interest of clarity.
7. The third page of the decision notice refers to a summary as at 9 January 2024 and this date has been referred to by the parties. However, given that 8 January 2024 is on the front page of the decision notice I have used that date as the date the application was refused by notice.
8. The site is located within the South Hale Conservation Area (CA) and as such I have had regard to my duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

9. The main issue relevant to this appeal is whether the information submitted pursuant of conditions 4 and 14 would preserve or enhance the character or appearance of the South Hale Conservation Area and be adequate to agree the details reserved by the conditions.

Reasons

Heritage Asset and its Significance

10. The South Hale Conservation Area Management Plan (Management Plan) identifies that the characteristic boundary treatments extant throughout the Conservation Area comprise low level walls of roughly-hewn local sandstone.

Specifically, within the South Hale Conservation Area, these low boundary walls are supplemented with planting, providing additional screening to approximately head height. This makes a significant contribution to the characteristic greenness of the CA. The South Hale Conservation Area Appraisal (Appraisal) supports this assessment and states that this form of boundary treatment contributes towards the semi-rural character of the area. It also notes that most openings are framed by substantial gateposts which are generally set flush with the line of the wall. In some cases, the posts have been retained but the entrance set back.

11. Within the CA, such boundary treatment as described above is common and the consistent use of materials and the scale and height of it and the associated hedges are an attractive feature of the area. As such, the similarly designed boundary treatments positively contributes towards the characteristic greenness and the semi-rural character of the CA and its significance.
12. The gates and openings within said boundary treatment can vary although most are made from a black material. These are sometimes built in line with the boundary wall or set back from it. Whilst there is greater variety in terms of the design, location and materials used, the gates within the CA form part of the boundary treatment and thus contribute towards its significance.

Condition 4

13. The reason given for the condition was to ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development having regard to Policies L7, R2 and R3 of the Trafford Core Strategy (CS), 2012. Within the refusal notice for the application that led to this appeal the Council has also referred to conflict with Policy R1 of the CS. The Council has identified that Policies JP-P1 and JP-P2 of the PFE are relevant to this appeal within its Statement of Case.
14. Policy LP7 of the CS and Policy JP-P1 of the PFE have similar aims and they state, amongst other matters, that development must enhance the street scene or character of the area by appropriately addressing scale, density, height, massing, layout, elevation treatment, materials, hard and soft landscaping works, and boundary treatment and conserve the landscape features and historic environment.
15. Policy R1 of the CS and Policy JP-P2 of the PFE have similar aims and state, amongst other matters, that developers must demonstrate how the development will complement and enhance the existing features of historic significance including their wider settings, in particular in relation to conservation areas and positively conserve, sustain and enhance our historic environment and heritage assets and their settings.
16. Policy R2 of the CS identifies, amongst other matters, that developers will be required to demonstrate how proposals will protect and enhance the landscape character, biodiversity, geodiversity, and conservation value of its natural urban and countryside assets having regard not only to its immediate location but its surroundings.
17. Policy R3 of the CS notes that the Council, working with developers, will develop an integrated network of high quality and multi-function green infrastructure that will, amongst other matters, mitigate the negative effects

of climate change and support biodiversity, for example inclusion of green roofs, green walls, and tree planting.

18. Previously there was a roughly-hewn local sandstone wall with an iron gate at the entrance to the appeal site which was consistent with the prevalent style of boundary wall in the CA. The appellant states that the wall was in a poor condition and was thus replaced, including the gate.
19. The boundary wall that has been built at the front of the site is built from dark grey bricks and the height of the wall is similar to those either side of it. To the rear of this boundary wall is a taller wall, similar in height to the railings either side of it, that has hedges planted in front of it. Whilst these hedges would take time to be fully implemented, when viewed alongside other hedges above boundary walls in the CA, this would generally be consistent with them. Additionally, the Management Plan identifies that railings set on top of stone walls may be acceptable in some circumstances and whilst the rear brick wall would not necessarily be consistent with this, the planting would provide hedges consistent with the character of the area. As such, the scale of the wall and the siting of hedges to the rear of it, is consistent with other boundary walls in the CA.
20. However, next to the dark grey boundary wall is a roughly-hewn sandstone wall and on the other side of the appeal site is a red brick boundary wall. The sandstone wall is consistent with others in the area and positively contributes towards an important characteristic of the CA which forms part of its significance. The red brick wall is not consistent with it or others nearby and contrasts notably given the significant variation in the colour and materials used.
21. The dark grey brick wall is situated between these walls and the jump between three different styles of boundary walls across such a small section of the road appears jarring. The eye is unacceptably drawn to the three types of materials and the overall effect erodes the positive effect the consistent boundary treatment elsewhere contributes towards the character and appearance of the CA. Whilst low brick walls are identified in the Appraisal as a traditionally used boundary treatment, the inconsistent design of the three boundary walls fails to preserve a characteristic of the CA that forms part of its significance.
22. The design of the boundary wall would be consistent with the design of the building which has a modern appearance. However, the building is located a considerable distance from the roadside and as such it is not necessarily prominent within the street scene, unlike the boundary wall. When viewed in isolation, the boundary wall would create a homogenous development with the wider scheme but when appreciated within the CA it would fail to preserve an important characteristic of it and would not be sympathetic to its historic context.
23. The black painted timber fencing between the appeal site and the neighbouring property known as Greenacres has already been approved under the May 2024 consent and as such the proposal would be consistent with the approved materials. Additionally, the style and scale of the boundary treatment between the houses in the CA can vary and given the modest scale of the timber fencing and the use of black painted timber nearby, it would not be harmful to the significance of the CA.

24. The aluminium gate would be painted black, and this colour would be consistent with other gates nearby in the CA. Whilst open wrought iron gates are common along North Road, there are other close boarded gates in the CA and the colour of the gates would be the more consistently definable feature of them in the CA, rather than the materials used. Additionally, the setting back of the gate from the boundary wall would be similar to other gates in the CA. As a result, the design, siting, and the colour of the gate would preserve this characteristic of the CA.
25. The soft landscaping plans identify the location of the proposed trees and plants, including those to be retained as well as planting plans identifying the species. The plans also show the buried services as well as consideration of any changes in ground levels which are not proposed to significantly change. The landscaping and planting that has already taken place around the site creates an attractive garden with a wide variety of species which supports biodiversity. Any additional planting not yet implemented would support this. The amount and location of the hard landscaping would not be overly dominant. The hedges along the boundary with footpath no 5, which is a Public Right of Way, would be an appropriate boundary treatment alongside the footpath consistent with others in the CA whilst retaining privacy for the occupants of the development.
26. Whilst I have concerns with the design and materials used for the boundary wall, the planting that has already taken place and those shown on the plans would, over time, be consistent with other hedges within the boundary treatment in the CA and thus would preserve this characteristic of it.
27. The information before me indicates that the boundary wall would fail to preserve the character and appearance of the CA as a whole and would not conserve the historic environment contrary to the reasons given for the condition and Policies L7 and R1 of the CS and JP-P1 and JP-P2 of the PFE. The details submitted with regard to the hard and soft landscaping would be appropriate for the reasons given above and would generally accord with CS Policies R2 and R3, however the information is required to be approved for all elements of the condition. Based on the evidence before me the information would not be adequate to agree the details reserved by condition 4.

Condition 14

28. The reason given for condition 14 was in the interest of highway safety, having regard to Policy L7 of the CS and guidance in the National Planning Policy Framework (the Framework).
29. Policy L7 states, amongst other matters, that development should incorporate vehicular access and egress which is satisfactorily located and laid out having regard to the need for highway safety.
30. The Council acknowledge that the location of the traffic light system would provide a satisfactorily located and laid out access and egress. Given the internal road layout of the site and the location of the traffic lights I find no reason to come to a different conclusion.
31. However, the traffic light system would be built into the boundary wall which would be secured via condition 4. For the reasons given above the information submitted would fail to preserve the character and appearance of the CA and

would not be adequate to agree the details reserved by that condition. As a result, the traffic light system proposed could not be implemented as the details of the wall has not been secured.

32. Given the narrow width of the internal road, without the traffic light system there would be conflict between road users coming and going from the property. As such, this would cause unacceptable harm to highway safety contrary to Policy L7 of the CS and the Framework.
33. Consequently, the information before me indicates that the traffic light system could not be implemented and thus a satisfactorily located and laid out access and egress could not be secured, and the proposal would lead to harm to highway safety. Based on the evidence before me the information would not be adequate to agree the details reserved by condition 14.

Heritage Balance

34. Paragraph 205 of the Framework advises that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from development should require clear and convincing justification.
35. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. In coming to this view, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. In these circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
36. Whilst planning permission was granted for the associated building, it is important for the details of that permission, which are reserved by condition, preserve, or enhance the character or appearance of the CA and in this instance, they would not preserve them.
37. I have been referred to the public benefits of the development, including economic benefits relating to the creation of construction jobs and increase in household expenditure as well as social benefits from new homes and the use of previously developed land. Reference has also been made to the environmental benefits from the sustainable and energy efficient building that reuses a previously developed site. To these I attribute moderate weight in favour of the wider development.
38. However, the above benefits have already been secured via the May 2024 consent that included a sandstone wall which would be consistent with the prevalent style of boundary wall in the CA. It has not been robustly evidenced that the proposal before me is the least harmful option to secure the public benefits.
39. In light of the great weight that should be given to the heritage assets conservation, the public benefits of the proposal do not outweigh the less than substantial harm that would be caused to the significance of the heritage asset. Accordingly, there would be a conflict with paragraph 206 of the Framework as the harm to a designated heritage asset would not have clear and convincing justification. The proposal would therefore fail to satisfy the requirements of the Act, the Framework, and the development plan.

Conclusion

40. For the reasons given above, the information submitted to agree the details reserved by the conditions conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be determined other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR