



Appeal Decision

Site visit made on 8 October 2024

by Mr G Sibley MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/Q4245/W/24/3346733

Bowdon Lawn Tennis Club, Elcho Road, Bowdon, Trafford WA14 2TH

- 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 Bowdon Lawn Tennis Club, c/o CT Planning against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112273/FUL/23.
 - The development proposed is creation of 1 No. Padel Court, erection of canopy and installation of floodlighting system.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is located within the Devisdale Conservation Area (CA). As such I have had regard to my duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.

Main Issue

3. The main issue relevant to this appeal is whether the proposal would preserve or enhance the character or appearance of the Devisdale Conservation Area, a designated heritage asset.

Reasons

Significance

4. The Devisdale Conservation Area Supplementary Planning Document (SPD), 2016, separates the CA into several Character Areas and the appeal site is within Character Area B. This area is referred to as 'The Devisdale' and includes the Devisdale which is a large park with a few sporadically sited buildings, including those at the Bowden Lawn Tennis Club and the Altrincham Girls Grammar School which is next to the appeal site.
5. The SPD identifies that there is no unifying architectural style within the Character Zone as the ages and designs of the buildings are disparate. The SPD does however identify that architecturally a high level of detailing forms part of the character and appearance of the wider CA. The common building material is brick of varying colours but generally traditional, such as red and brown brick with slate and tile roofs and many of the window frames are still timber. The houses around the tennis club generally reflect these common

characteristics within this Character Zone and thus positively contribute towards the significance of the CA.

6. The scale and massing of the buildings in the Character Zone is varied ranging from significantly sized buildings like Denzell House and the Altrincham Girls Grammar School and the smaller buildings around the Bowden Lawn Tennis Club.
7. A key characteristic of the Character Zone is the privacy of both the residential dwellings and the Devisdale. From within the park there are limited views of the development around it and the views across the common space are important and enhanced by the topography. The Devisdale is identified in the SPD as the heart of the CA and is characterised by a significant open space of community amenity, associated with both historic and contemporary recreation. The spacious grounds often included croquet lawns and later tennis courts. The school and tennis club both have modern buildings, with metal mesh fencing around Astroturf surfaces but these are identified as adding to the open spaces in the Character Zone.
8. Where the structure is proposed is an open parcel of grassed land within the tennis club located between the club house and the neighbouring school's sports hall. The open and undeveloped appearance of the site positively contributes towards the open spaces in the Character Zone which form part of the character and appearance of the CA.
9. Therefore, the significance of Character Zone B comes from the high level of architectural detailing, the use of traditional materials and the open spaces and the historic and contemporary recreational use of the area.

The effect of the proposal on the CA

10. The proposed padel court would have an off-white barrel-vaulted opaque canopy which would form part of the walls that would be installed on a dark green metal frame. Green wire fencing would surround the court alongside glazed panels and floodlights are proposed to illuminate the court.
11. The Lawn Tennis Association identified that the proposed height of the structure is necessary to meet the minimum dimensions for covered padel and it did not object to the application.
12. The structure would be located between the club house for the tennis club and the sports hall for the neighbouring school. The club house is a single storey building that has partial brick walls with green painted corrugated metal above and a tiled roof. The sports hall is a large angular two storey building which has been clad in timber that has silvered over time. Within the tennis club is the Scorers Hut and Groundsman's Shed which are both small timber-built buildings. Around the club house are the Astroturf tennis courts and the grass courts next to it. The limited scale of the club house and the mesh fencing for the tennis courts retains the open views across the tennis club.
13. The tennis club is bound by houses and the school buildings as well as the large and dense coppice of trees within the Devisdale. As a result, from most of the Devisdale there are very limited views across the tennis club, including from the important views identified in the SPD. However, from within the club itself, the neighbouring buildings and from Elcho Road, Green Walk and Green

Close there are views across the tennis club from within the CA. Even if some of these views are not from public areas, they still form part of the CA.

14. The neighbouring sports hall is of a substantial size and already encloses the openness of the area and the scheme would infill the gap between it and the club house and erode the openness of this part of the Character Zone which is identified as open space. The not entirely opaque materials proposed may limit the enclosing effect of this but, given the considerable scale of the structure it would enclose an open space within this Character Zone. Whilst smaller than the neighbouring sports hall, the development would fail to preserve the open character which is a feature which positively contributes towards the significance of the CA. Whilst the padel court may be removable, when it is in situ it would erode the openness of the open space.
15. The use of green painted metal for parts of the structure would be consistent with the materials used in the construction of the club house and the use of the structure would be consistent with the historic and contemporary recreational character of the CA. However, the utilitarian appearance of the structure and the proposed materials would not reflect the high level of architectural detailing of the buildings within this Character Zone or within the wider CA.
16. Whilst the materials to be used for the off-white canopy are shown on the plans as 'to be confirmed', given the design of the canopy shown on the plans, it is unlikely that traditional materials such as timber could be used. The silvered timber used on the neighbouring sports hall has softened in appearance and this material appears sympathetic with the traditional materials used elsewhere in this Character Zone. In comparison the off-white canopy, highlighted by the proposed floodlighting, would appear jarring and utilitarian when seen alongside the more traditional materials used in the buildings around the tennis club.
17. The colour of the court would be blue which would stand out alongside the green tennis courts and open grassland in the Character Zone. Whilst this would not harm the openness of the area, this alongside the utilitarian appearance of the structure would fail to reflect the design and materials used in the surrounding buildings that contributes towards the significance of the CA and would thus not preserve the appearance of it.
18. Whilst the use of the structure would be consistent with a key characteristic of the Character Zone, the scale, siting, and design of the structure would harm elements that positively contribute towards the significance of the CA as a whole.

Heritage Balance

19. Paragraph 205 of the National Planning Policy Framework (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.
20. In this case, the harm would be less than substantial but nevertheless of considerable importance and weight. Great weight should be given to the

heritage assets conservation regardless of what level of less than substantial harm this would be. In these circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

21. The Planning Practice Guidance identifies that public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives as described in the Framework. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.
22. Whilst the tennis club is a private club, members of the public can join. The benefits of this scheme are not limited to the owners of the site and are available to anyone who happens to be a member. While of limited access, the club provides an important sporting and recreational community facility. Overall, I consider that the associated benefits are public benefits.
23. The Lawn Tennis Association is promoting padel in the UK as one of their key strategies as it is an accessible sport using techniques that are simple, with physical, mental, and social benefits realised from day one. Paragraph 102 of the Framework identifies that access to a network of opportunities for sport and physical activity is important for the health and well-being of communities. The development would support an existing club to provide opportunities for promoting the physical and mental well-being of the community throughout the year and I attribute significant weight to these benefits in favour of the scheme.
24. The appellant has referred to a conjoined appeal decision that was within the Green Belt which included proposals for two padel courts with associated floodlights and external works¹. Whilst the circumstances of the two cases differ as that scheme was within the Green Belt and this one within a conservation area, the benefits of the schemes are similar given the similarities between what was proposed. However, the other appeal scheme involved two courts compared to the one court before me which is why the weight attributed to these benefits differed in this instance.
25. The proposal would support a local tennis club which would deliver short term economic benefits during construction and long-term economic benefits to the area through those employed by the club as well as the services it provides. Given that this relates to an existing enterprise and a single court the benefits associated with this in favour of the proposal are limited.
26. Taking into consideration the great weight that should be given to the heritage assets conservation, the public benefits do not outweigh the less than substantial harm that would be caused to the significance of the heritage asset. As such, clear and convincing justification for this harm has not been identified.
27. The appellant has referred to the Council's decision to permit the sports hall on the neighbouring school site². The Council identified that in that instance it found that the development would cause less than substantial harm to the CA but determined that the public benefits outweighed the harm. The two schemes vary in terms of design and use and for the reasons given above, the

¹ Appeal Decision References: Appeal A Ref: APP/J1915/W/21/3272506 & Appeal B Ref: APP/J1915/W/21/3275195

² Application Reference: 98934/FUL/19

public benefits would not outweigh the harm in this instance which has led me to come to a different conclusion.

28. Therefore, the proposal would not preserve the character or appearance of the CA and would conflict with Policies JP-P1 and JP-P2 of the Places for Everyone Joint Development Plan and Policy R1 of the Trafford Core Strategy. These seek, amongst other matters, to deliver positive benefits that sustain and enhance the historic environment and respects and acknowledges the character and identity of the locality in terms of design, siting, scale, and materials used.

Other Matters

29. Near to the site are two Grade II listed buildings known as Oakley and Erlesdene. I have thus had regard to my duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires me to have special regard to the desirability of preserving the setting of the listed buildings.
30. These buildings are both located on the opposite side of Green Walk to the tennis club. They are both substantially sized buildings and the significance of the two buildings comes from their detailed architectural design. The setting of these buildings incorporates the residential development around them and the facilities within the tennis club and school. The Council concluded that given the intervening distance and mature vegetation between these buildings and the proposed development that the proposal would not harm the setting of them.
31. The proposed structure would be seen in the context of the buildings around the tennis club and the school to the rear which form part of the setting of the two listed buildings. As such, the location and use of this structure would be consistent with others within the setting of these buildings. Additionally, because the proposed court would be a significant distance from the buildings the court would generally not be visible from them. As such, I concur that the scheme would not harm the setting of the two listed buildings and thus their settings would be preserved.

Conclusion

32. The development would cause less than substantial harm to the heritage asset and this would lead to conflict with the development plan as a whole. Overall, the material considerations, including the Framework, do not indicate that a decision should be taken other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

G Sibley

INSPECTOR