



Appeal Decision

Site visit made on 3 December 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2024

Appeal Ref: APP/Q4245/W/24/3349969

Land Adjacent To 44 Manor Avenue, Sale M33 5JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Paul Lavelle of Lavelle Developments Limited against the decision of Trafford Metropolitan Borough Council.
- The application Ref is 113686/VAR/24.
- The application sought planning permission for erection of no.1 two storey building to accommodate no.2 semi-detached dwellinghouses with associated amenity space, landscaping and parking without complying with a condition attached to planning permission Ref 109904/FUL/22, dated 6 June 2023.
- The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:
 - 09/21/1 Rev.C Ground Floor Plan First Floor Plan (received by the local planning authority on 4 May 2023)
 - 09/21/2 Rev.D Proposed Elevations (North, South, East, West) (received by the local planning authority on 4 May 2023)
 - 09/21/3 Rev.B (received by the local planning authority on 4 May 2023)
 - 09/21/4 Proposed Roof Plan Loft plan (received by the local planning authority on 15 May 2023)
 - 120/20/SP Rev.A Site Plan (received by the local planning authority on 11 May 2023)
- The reason given for the condition is: To clarify the permission, having regard to Policy L7 of the Trafford Core Strategy and the National Planning Policy Framework.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the site address given in the decision notice. The decision notice includes the reference to the 'land adjacent to 44 Manor Avenue'. This is a more accurate reflection of the location of the appeal site than as stated on the application form.

Background and Main Issue

3. The appellant seeks to erect a pair of semi-detached dwellings of a different design to that approved under Ref 109904/FUL/22.
4. The main issue is the effect of the revised design on the character and appearance of the area.

Reasons

5. The appeal site is an open area of land between 44 and 46 Manor Avenue. The properties along both sides of Manor Avenue form a long line of semi-detached dwellings. In following the line of properties along the immediate area of Manor Avenue, the similarity of dwellings is apparent through the use of arched detailing above front doorways, bay windows and main hipped roof forms.
6. The proposed development seeks a variation from the previously approved plans. This variation would create a partial hipped and gabled roof form, but when viewed from the highway, would not increase the height of the eaves or ridge height of the roof. However, this would create a dwelling which would have a contrasting roof configuration to those found in the immediate line of dwellings adjacent to the appeal site. This would conflict with the character of the immediate area where the use of traditional hipped roof forms is widely evident.
7. I recognise that along Manor Avenue there are properties which have been extended through the provision of dormers and other roof extensions which has changed the appearance of roof forms when viewed from the highway. Images of these examples have been provided by the appellant. Whilst these forms are visible in the street scene, I have not been provided with substantive evidence to inform me of the reasoning behind these developments if they benefit from planning permission, or a lawful development certificate if they have been undertaken through the utilisation of permitted development rights.
8. However, in consideration of these examples, the proposal is situated in-between two properties where a main hipped roof form is retained. Whilst 46 Manor Avenue hosts a gabled roof element to the front, its general main roof element is in the form of a hipped design. As such, a departure from the predominant roof form in this location, situated amongst this line of dwellings which have main hipped roof forms, would create a conflicting appearance in this row of properties along Manor Avenue.
9. To conclude, the proposed design of the roof would result in an incongruous and conflicting form which would be out of keeping with the character of the immediate surroundings of the appeal site. As such, the proposal would be contrary to Policy JP-P1 of the Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside Trafford and Wigan 2024. The proposal would also be contrary to Policy L2 of the Trafford Local Plan Core Strategy 2012, the guidance found within the Trafford Borough Council Planning Guidelines for New Residential Development Supplementary Planning Guidance 2004 and the National Planning Policy Framework. These policies and guidance require new development to not be harmful to the character of the immediately surrounding area.

Conclusion

10. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

J Smith

INSPECTOR