



Appeal Decision

Site visit made on 3 December 2024

by L C Hughes BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th January 2025

Appeal Ref: APP/Q4245/W/24/3347535

9 Brooklands Road, Sale, Trafford M33 3QH

- 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 James Mackey, Macrane Properties Ltd against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112231/FUL/23.
 - The development proposed is erection of two detached dwellings (use class C3) with associated access, car parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for erection of two detached dwellings (use class C3) with associated access, car parking and landscaping at 9 Brooklands Road, Sale, Trafford M33 3QH in accordance with the terms of the application, Ref 112231/FUL/23, subject to the conditions in the attached schedule.

Preliminary Matters

2. On March 21, 2024, the Council adopted Places for Everyone (PfE) as part of the Development Plan for Trafford. PfE is a joint Development Plan Document produced by nine Greater Manchester districts, of which Trafford is one. Policy JP-P1 of PfE has superseded the relevant parts of Policy L7 of the Trafford Local Plan: Core Strategy (2012) which was referenced in the Council's reason for refusal. Policy JP-P1 of PfE was also referenced, and the appellant has had the opportunity to comment on the proposal in relation to this policy in their appeal statement.
3. In September 2024, after the appeal was submitted, the Council adopted the Trafford Local Plan: Supplementary Planning Document 7 (SPD 7) - Trafford Design Code, and referenced the SPD in their appeal Statement of Case. The appellant has also referred to the document in their Final Comments. No parties will therefore be prejudiced by my taking the SPD into account.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework is a material consideration which should be taken into account from the day of publication.
5. On the same day, the Government published the 2023 Housing Delivery Test (HDT) results. The results indicate that the most recent HDT figure for Trafford is 78%, an increase from the 2022 figure of 65%. Both main parties have had the opportunity to comment on any implications for the appeal and I have taken comments received into account.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal proposal is for two detached 2.5-storey, 4-bedroomed dwellings on part of a residential garden at the rear of 9 Brooklands Road (No 9), a large detached property. The proposed dwellings would sit perpendicular to No 9, and be accessed from Hazelwell, a cul-de-sac comprising 3-storey terraced properties, which have open frontages to the street. Houses only front one side of Hazelwell, with the other side remaining largely undeveloped, comprising the generous garden of No 9. The proposed dwellings would front Hazelwell, and as such would reflect the positioning of the terraced properties on the opposite side of the road.
8. Guidance contained within SPD7 highlights that landscape retention and planting opportunities must be optimised across development sites. The boundary of No 9, which runs along Hazelwell, is formed of mature vegetation which contributes to the street scene and affords Hazelwell a green and verdant character. Whilst the proposal would result in the removal of a number of trees within the appeal site, I note that the Council's arboriculturist raised no objection to their removal, due to their low quality. A section of the established boundary hedge would be removed at the front of the proposed dwellings. However, the majority of the hedge would remain, which would retain the established setting and landscape character of the street scene and maintain the boundary between the detached dwellings along Brooklands Road and the nearby denser development.
9. The existing properties along Hazelwell have a distinct building line, being set back from the road, with hard surfacing at the front separated by soft landscaping which ensures that hard landscaping does not dominate. This pattern of development gives a harmonious impression of cohesiveness which contributes positively to the street scene. There would be an introduction of hard standing at the front of the proposed dwellings to allow for off-street vehicular parking, with a centrally located landscape area at the front of the site to provide soft landscaping which would serve to soften the hard surfacing along the road frontage. In this regard, the proposal would reflect the layout of the properties along Hazelwell.
10. There would be an adequate separation between the proposed dwellings, and each would have sufficient garden space. Moreover, No 9 would retain generous garden space to its rear. Given these factors, the proposed dwellings would sit comfortably on the site, and would not appear as cramped or overdeveloped.
11. Although Hazelwell comprises terraced properties, the wider surrounding area encompasses housing from different periods which varies in design, type and size, including traditional detached properties and more modern apartment blocks. This provides an eclectic and diverse mix of dwelling types with no one consistent pattern of development. As such, there is a varied residential character and appearance within the locality. This architectural variety is a distinctive feature of the area.

12. In terms of detailed design, whilst the proposed dwellings would reflect the layout and positioning of the terraced properties in Hazelwell in relation to the street frontage, they would not reflect their distinct architectural style, with different fenestration detailing, the introduction of gable ends to their principal elevation and a different roof line. Whilst SPD7 highlights that roof design should be predominantly influenced by the immediate context, it also states that context dependent design cues should be taken from the best examples of properties that were built at the time that the locality started to develop. The proposed dwellings would respond positively to the architectural style and form of the wider surrounding area, incorporating local design features from the Edwardian and 1930s housing in the nearby vicinity.
13. Despite the differences in design from the dwellings in the immediate context, given that residential properties in the wider locality are not consistent in their form, scale or design, the resulting juxtaposition would not be incongruous or be at harmful odds with the local character.
14. To conclude, the proposed development would not harm the character and appearance of the area. As such, the proposal would comply with PfE Policy JP-P1 which seeks to ensure that development respects and acknowledges the character and identity of the locality. Furthermore, the proposal would accord with the Framework which highlights that development should be sympathetic to local character, and the National Design Guide (2021) which seeks to ensure good design. It would also comply with guidance contained within the New Residential Development Supplementary Planning Document (PG1) (2004) and SPD7 which seek to ensure that new development is appropriate to the character of the area.

Other Matters

15. I have taken careful consideration of the concerns raised by third parties, and was invited to view the appeal site from neighbouring properties on Hazelwell. There is no doubt that the outlook from a number of properties along Hazelwell would be altered by the introduction of built development, where previously there was none, particularly as the properties on Hazelwell have large windows and living rooms on the upper floors. However, separation distances detailed in PG1 are guidance rather than policy, and the separation distance between the proposed development and neighbouring dwellings would be sufficient to ensure that they would not appear as oppressive or overbearing, and could be accommodated without causing material harm to the living conditions of neighbouring occupiers in relation to privacy or loss of light.
16. I have noted concerns regarding potential flooding, drainage, construction noise, dirt and traffic, and the loss of trees and wildlife. However, these matters were considered at the planning application stage and found to be acceptable subject to conditions. I have no substantive evidence that would lead me to conclude differently, and I have imposed necessary and appropriate conditions to address these matters.
17. Local residents have expressed concerns regarding the exacerbation of parking issues that the new dwellings may cause. However, the proposal provides for off street parking. Given the limited number of dwellings proposed, the scheme would not have a severe impact on the local road network or an

unacceptable impact on highway or pedestrian safety to an extent that would warrant withholding permission.

18. I have no substantial evidence before me to indicate that the proposal would lead to an adverse effect on infrastructure, cause unacceptable light or noise pollution, lead to domestic paraphernalia being on view in the gardens, nor that glare from the proposed dwellings would cause harm to neighbouring occupiers' eye health. Matters relating to house values, covenants and land ownership have not had any bearing on my consideration of the planning merits of the proposal.
19. Whilst I note that there was a previous application for development on the appeal site, and that large residential developments have been permitted elsewhere, I have considered this case on its merits and with regard to local and national planning policies, and concluded that it would not cause harm for the reasons set out above.

Conditions

20. I have considered the conditions suggested by the Council, having regard to the Planning Practice Guidance on conditions. I have amended a number of the conditions in the interest of clarity. The appellant has confirmed their agreement to proposed conditions where they are pre-commencement.
21. In addition to the standard timeframe condition, it is necessary to impose a condition requiring the development to be carried out in accordance with the submitted plans in the interest of certainty (conditions 1 and 2).
22. Condition 3 is a necessary pre-commencement condition to require a construction method statement to safeguard the amenity of nearby residents and to maintain highway safety. In order to ensure that the site is effectively landscaped having regard to the character of the area, and that retained trees are protected, I have imposed pre-commencement conditions 4 and 5 regarding landscaping and tree works. Pre-commencement conditions 6 and 7 which relate to site levels and drainage are necessary in the interest of amenity, to minimise the risk of flooding and ensure that the site is properly drained. A pre-commencement condition stipulating the submission of details of Reasonable Avoidance Measures is necessary, to ensure that mammals are safeguarded throughout the development process (condition 8).
23. Conditions regarding the materials to be used, a façade schedule, and boundary treatments are necessary in order to protect the character and appearance of the area (conditions 9,10 and 11).
24. In order to ensure adequate parking is retained within the site, and to promote sustainable transport, conditions 12 and 13 relating to car parking spaces and cycle storage are necessary. I have attached a condition relating to bin storage (condition 14) in order to ensure that satisfactory provision is made for refuse and recycling storage facilities.
25. Conditions 15 and 16 which relate to nesting birds and biodiversity, are necessary in order to safeguard habitats and protect and enhance biodiversity.
26. I have not imposed a condition regarding an external lighting scheme at the appeal site, as I consider it would be unreasonable and unnecessary given the proposed private residential use of the development.

Conclusion

27. For the reasons given above, I conclude that the proposal would comply with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
28. As a result, the appeal is allowed.

L C Hughes

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
23-0022-20-001 (rev.P1) – Proposed Location Plan;
23-0022-20-002 (rev.P2) – Proposed Site Plan;
23-0022-20-003 (rev.P1) – Proposed Floor Plans;
23-0022-20-004 (rev.P1) – Proposed Elevations;
23-0024-20-005 (rev.P1) – Proposed Floor Plans – House B;
23-0024-20-006 (rev.P1) – Proposed Elevations – House B;
23-0024-20-104 (rev.P1) – Street Elevations Hazelwell;
23-0024-20-201 (rev.P1) – Proposed Sections.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) a) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (i) the formation of any banks, terraces or other earthworks;
 - (ii) hard surfaced areas and materials;
 - (iii) planting plans, specifications and schedules (including planting size, species and numbers/densities);
 - (iv) existing plants / trees to be retained and a scheme for the timing/phasing of implementation works.

b) The landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied, or within the next planting season following final occupation of the development hereby permitted, whichever is the sooner.

- c) If, within a period of 5 years from the date of planting, any tree or shrub (or any tree or shrub planted in replacement) is removed, uprooted, destroyed or dies or becomes seriously damaged or defective, another tree or shrub of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree or shrub unless the local planning authority gives its written consent to any variation.
- 5) All the trees shown on the submitted landscaping works which are to be retained and/or any trees whose canopies overhang the site shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made.
- 6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 7) No development shall take place until such time as a detailed surface water drainage scheme based on the hierarchy of drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
- 8) No development shall take place until full details of Reasonable Avoidance Measures (RAMs) for mammals are submitted to and approved in writing by the local planning authority. The development shall be carried out in strict accordance with the approved details.
- 9) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved sample details.
- 10) No development above ground level shall take place unless and until a detailed façade schedule for all elevations of the building has first been submitted to and approved in writing by the local planning authority. The schedule shall be provided in tabulated form with cross referencing to submitted drawings, include the provision of further additional drawings and the building of sample panels on site. The façade schedule shall include:
- (i) All brickwork detailing;
 - (ii) All fenestration details and recesses (minimum external window reveals - 90mm).
 - (iii) All entrances into the buildings;

- (iv) The siting of any equipment on the roofs of the development;
- (v) The means of dealing with rainwater and any necessary rainwater goods that may be visible on the external façade of the building;
- (vi) The siting of any external façade structures such as meter boxes.

Development shall be carried out in accordance with the approved detailed façade schedule.

- 11) Prior to the occupation of the development hereby permitted details of the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the local planning authority. The boundary treatment shall be completed as in accordance with the approved details before the dwellings are occupied.
- 12) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no 23-0022-20-002 (rev.P2) – Proposed Site Plan. Thereafter those spaces shall be retained for the parking of vehicles only.
- 13) The development hereby permitted shall not be occupied unless and until a scheme for secure cycle storage has first been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented before the development is brought into use and shall be retained at all times thereafter.
- 14) The development hereby permitted shall not be occupied unless and until details of the bin stores, which shall include accommodation for separate recycling receptacles for paper, glass and cans in addition to other household waste, have been submitted to and approved in writing by the local planning authority. The approved bin stores shall be provided before the development is brought into use and shall be retained at all times thereafter.
- 15) No clearance of trees and shrubs in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.
- 16) Prior to first occupation of the development hereby approved, a scheme of biodiversity enhancement measures shall be submitted to and approved in writing by the local planning authority. The approved scheme shall include provision for bat boxes and bird boxes on-site. The development shall then be carried out in strict accordance with the approved scheme.

*****END OF SCHEDULE*****