



Appeal Decision

Site visit made on 30 January 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/Q4245/W/24/3349433

23 Sunningdale Road, Urmston, Manchester M41 9DQ

- 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 Mrs P Baildon against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113297/FUL/24.
 - The development proposed is erection of garden outbuilding for the provision of beauty treatments.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of garden outbuilding for the provision of beauty treatments at 23 Sunningdale Road, Urmston, Manchester M41 9DQ in accordance with the terms of the application, Ref 113297/FUL/24, subject to the conditions in the attached schedule.

Preliminary Matters

2. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 12 December 2024. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Therefore, in this instance, it has not been necessary to consult the main parties on the amendments to the Framework.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers with particular reference to privacy, and potential for noise and disturbance.

Reasons

4. The appeal relates to the rear garden area of a semi-detached dwelling at No. 23 Sunningdale Road, within a residential area. This garden area shares side boundaries with the rear gardens of the properties at No. 21 and No. 25 Sunningdale Road (No. 21 and No. 25), and a rear boundary with the rear garden of No. 11 Wentworth Avenue (No. 11). These boundaries are defined by timber fencing, with the fencing along both side boundaries being higher than the fencing along the rear boundary.
5. The proposal seeks to erect a single storey detached outbuilding to allow the appellant to carry out 1:1 beauty and well-being treatments. The plans show that the outbuilding would contain a small reception area, a toilet / shower room and a treatment room containing a single bed. The submission states that the proposed use of the outbuilding would be restricted to six hours a day (between 10:00 – 16:00)

and four days a week (Tues – Fri), and this could be secured by way of planning condition.

6. Whilst only a snapshot in time, during my weekday morning site visit I observed numerous vehicle and pedestrian movements along Sunningdale Road, including vehicles accessing the nearby streets of Weston Avenue and Parkfield Avenue. Such movements involved residents coming and going to their properties, general visitors and several vans making home deliveries.
7. As such, likely noise and disturbance arising from additional vehicle and pedestrian movements associated with the proposal, during the above-mentioned times, would not be obvious above the existing movements I observed on this street.
8. Additionally, given the short distance between the garden gate and the door to the proposed outbuilding, any conversations between the appellant and customers in this outside area would likely be for a short period of time and at a low volume. I also consider the proposed use to provide 1:1 beauty treatment within the outbuilding would unlikely be noisy.
9. In view of the above, I find the comings and goings of customers during the proposed daytime hours, along with the activities that would take place within the outbuilding, would not have a noticeable impact over the existing domestic use of the dwellinghouse. I am therefore satisfied that, subject to conditions, the proposal would not have any undue impact on the living conditions of neighbouring occupiers by way of noise and disturbance.
10. With regard to loss of privacy, the existing high fencing along both side boundaries would prevent overlooking towards the garden areas, and the ground floor openings, of the neighbouring properties at No. 21 and No. 25.
11. I acknowledge that the fencing along the rear boundary shared with No. 11 is slightly lower than the fencing along the sides. However, it still provides sufficient screening and the erection of the proposed outbuilding towards this rear boundary would itself screen views towards the properties on Wentworth Avenue from the appeal site. Additionally, I note the proposed outbuilding does not include any windows or openings in its rear elevation facing towards this boundary.
12. The Council has raised a concern that customers accessing the proposed outbuilding would have views towards the habitable rooms at first-floor level in a number of neighbouring properties. Views towards the first-floor windows in the properties at No. 21 and No.25 would be at an oblique angle and given users of the proposal would be positioned at a lower level than these windows I find there would be no undue impact by way of overlooking or loss of privacy towards these first-floor windows.
13. With regard to the properties to the rear on Wentworth Avenue, again the proposed outbuilding itself would obscure views towards the first-floor windows in the rears of these properties, which in any case are set a reasonable distance from the area of the garden where customers would access the proposed outbuilding. I therefore find this relationship to be acceptable.
14. In view of all the above, I conclude that the proposal would not harm the living conditions of neighbouring occupiers. I therefore find no conflict with Policy L7 of the Trafford Local Plan: Core Strategy (2012) where it requires, among other things, that

development proposals must not prejudice the amenity of adjacent properties by reason of overlooking, noise and disturbance.

Other Matters

15. Interested parties have raised concerns that the proposed outbuilding represents overdevelopment and would be an overbearing structure that is visible from the rear of their properties and garden areas. A concern is also raised that it could be used for parties.
16. There is agreement between the main parties that an outbuilding of the same dimensions could be constructed for purposes incidental to the enjoyment of the dwelling house under permitted development rights¹. I have no evidence before me to disagree with this finding. Consequently, any such outbuilding erected under these permitted development rights would have the same visual impact upon neighbouring occupiers as the proposed outbuilding and could potentially be used for domestic parties.
17. An interested party has also suggested that the proposal could be provided by way of a single storey rear extension, rather than an outbuilding. I must however determine the appeal proposal that is before me.

Conditions

18. The Council has provided a list of suggested planning conditions, which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance, and I have edited to improve precision and enforceability.
19. In addition to the standard time limit condition (1), I have attached a condition specifying the approved plans to provide certainty (2).
20. I have imposed a condition requiring the brick used on the external surfaces of the outbuilding to be similar in appearance to the brick used on the existing dwelling, and for details or samples of the proposed timber cladding to be submitted (3). This condition is required in order to safeguard the character and appearance of the surrounding area.
21. Conditions to control the use of the outbuilding as a beauty salon only (4); to ensure it is only operated by a resident of 23 Sunningdale Road and not as an independent unit (5); and to control the hours of operation (6); are all required in the interests of protecting the living conditions of neighbouring occupiers.
22. I note the recommended condition requiring the submission of a Management Strategy detailing the processes and protocols that the appellant would implement. However, given the modest scale of the proposed outbuilding, along with the imposed conditions restricting its use, the hours of operation and that it shall only be operated by a resident of the appeal dwelling, I find the submission of a Management Strategy is not necessary to make this development acceptable. Consequently, this suggested condition has not been included.

¹ Under Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion

23. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

R Major

INSPECTOR

Schedule of Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following approved plans: A0.1; A0.2; A0.3 and A0.4.
- 3) The building hereby permitted shall be constructed in brickwork and timber / composite cladding as shown on the approved plans and specified in the submitted application form. The brickwork used in any exterior work must be of a similar appearance to that used in the construction of the exterior of the existing dwelling at 23 Sunningdale Road. No works involving the installation of any external cladding on the building shall take place until samples and / or full details of the proposed cladding have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. The development shall be carried out in accordance with the approved details / samples.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) or the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking or re-enacting that Order), the outbuilding hereby permitted shall only be used as a beauty salon and for no other use including any other use within Class E of the Use Classes Order.
- 5) The use hereby permitted shall only be operated by a resident of 23 Sunningdale Road, M41 9DQ (or any other name by which this dwelling may be known in the future) and shall not be operated or sold off separately as an independent unit.
- 6) The use hereby permitted shall only be open to customers between the following hours:
 - 10:00 - 16:00 on Tuesday - Friday (inclusive) and not at any time outside these hours / days.

***** End of Conditions *****