
Appeal Decision

Site visit made on 26 February 2025

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2025

Appeal Ref: APP/U4230/W/23/3316581

124 Eccles Old Road, Salford M6 8QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Thomas Cochrane (TmC Planning & Property Development Ltd) against Salford City Council.
 - The application Ref is 22/80791/OUT.
 - The development proposed is demolish of existing detached dwelling and erection an apartment with four no's flatted dwellings.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The appellant was not notified of the validation status of the original application within the specified period and the appellant subsequently exercised their right to appeal.
3. The Council have supplied a statement which indicates the grounds on which they considered the application to be invalid and have further supplied putative reasons on which the application would have been refused had they considered it. These matters inform the main issues within this case.
4. There appeared to be no presence at the property at the time of the site visit. I was nonetheless able to see enough of the site to enable conclusions to be made on the main issues.
5. The application was made in outline with all matters reserved. Although not labelled as such, I have treated the extensive submitted plans as indicative and they have been afforded weight in my consideration of the extent to which an apartment building with four flatted dwellings could be accommodated at the site.
6. Further, the evidence indicates that this development aims to provide specialist housing for those who require assistance in their home which adds a layer of specificity to the proposal.

Main Issues

7. The main issues therefore are the effect of the proposal on biodiversity interests, the effect of the proposal on the character and appearance of the area and the effect of the proposal on the living conditions of existing and future occupiers.

Reasons

8. The appeal site relates to a detached residential property which sits on the northern side of Eccles Old Road. The area has a verdant character through the presence of established planting and the Grade II listed Buile Hill Park is across the road from the appeal site.

Biodiversity

9. The proposal would initially involve the demolition of the existing dwelling. I observed on my site visit that the building was in a poor state of repair and its deteriorating condition could allow potential entry points for species such as bats to utilise the building.
10. No up to date assessment has been made of the potential impact on such species as a result of the proposal. There is reference to previous surveys within the evidence but these appear to be significantly dated.
11. The presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before any planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
12. I therefore conclude on this matter that in the absence of up to date information, there cannot be any certainty as to whether the site is being used by any protected species and to what extent. Consequently, it is not possible to ensure that any required mitigation measures would specifically address any potential harm. It would not therefore be reasonable to condition further reports or surveys in this instance.
13. I note the date of the application with regard to national requirements for biodiversity net gain. However, there are no clear proposals before me as to how any locally required biodiversity net gain could be achieved at the site, particularly given the potential extent of tree removal which could be associated with the scheme.
14. I therefore conclude on this matter that the proposal has the potential to result in significant loss of biodiversity resource at the site. The proposal would therefore conflict with Policy BG2 of the Salford Local Plan (2023) (SLP) which amongst other things states that all development shall deliver a net gain in biodiversity value.

Character and appearance

15. The immediate area is dominated by traditional two storey residential properties that sit comfortably in proportion with their plots. The plans indicate that the proposal would include three floors on a substantial footprint which would be located in close proximity to its boundaries. The proposal would therefore likely be at odds with the existing scale of development within the area representing an over development of the plot.

16. Further, the plans indicate that a substantial amount of planting would be removed from the site, whilst the lack of an arboricultural impact assessment means that the effect of the proposal on any mature trees within the grounds of adjoining properties cannot be fully assessed. The extensive planting within the area contributes positively to its character and appearance. The proposal would therefore be likely to have a significant adverse impact on the character and appearance of the area.
17. The proposal would subsequently conflict with policies D1 and D2 of the SLP which amongst other things require high quality design that results in built form showing a coherent pattern of development and development which at a minimum protects any positive character and distinctiveness of an area.

Living conditions

18. The indicative plans show that the proposed building would include numerous windows to the side elevations of the building at both first and second floor level. Given the extensive depth of the building that is indicated, the proposal would be likely to allow future residents direct overlooking into the garden areas of the existing neighbouring dwellings, especially towards the rear end of the building.
19. Given the elevated nature of the windows, the resultant overlooking would be likely to have a significant adverse impact on the living conditions of occupiers at the neighbouring properties.
20. The outlook in particular from windows within the central part of the building would be likely to be poor as a result of the building being located so close to the boundaries with neighbouring property beyond. Light to some of those rooms may also be significantly restricted by reason of the position of the openings and the presence of two storey buildings on either side of the site. The proposal could therefore give rise to significant adverse impacts on the living conditions of existing and future occupiers with regard to outlook and light.
21. The proposal would therefore conflict with policies D5 and D7 of the SLP. Amongst other things these policies require that development shall ensure that it provides all potential users with an acceptable level of amenity and does not have an unacceptable impact on the amenity of the users of other buildings and spaces.

Other Matters

22. Given the intended use of the flats I have been mindful of Article 19 of the UN Convention on the Rights of Persons with Disabilities as well as Article 8 – right for respect for private and family life - of the Human Rights Act 1998. However, there is limited information in this respect and the proposal may not be the only way to secure the equal right of all persons with disabilities to live in the community.
23. The flats would provide smaller and possibly less costly units in an area where larger houses dominate. The proposal would provide a modern building which could be highly energy efficient to replace that which is stated to be in a deteriorating structural condition. The site is in a sustainable location with good transport links and services and facilities nearby. The flats would contribute towards housing supply. However, overall, the harms associated with the proposal would outweigh the benefits.

24. The evidence indicates that planning permission has previously been granted for apartments at the site, although it does not appear that any previous permission was implemented within the required time period and those matters are therefore afforded limited weight.

Planning Balance and Conclusion

25. Even were I to set aside the harms arising to the character and appearance of the area and living conditions of existing and future occupiers which would arise as a result of the development shown within the indicative plans, the proposal would be unacceptable in any event.
26. This is because the scheme includes the demolition of the existing dwelling and as a result of the limited information before me I cannot with any certainty determine the effect of the proposal on protected species that may or may not utilise the appeal site.
27. The proposal would conflict with the development plan and there is nothing to indicate that it should be determined otherwise than in accordance with it. For the reasons given above the appeal should be dismissed and planning permission should be refused.

T Burnham

INSPECTOR