



Appeal Decision

Site visit made on 25 March 2025

by **D J Barnes MBA BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 April 2025

Appeal Ref: APP/Q4245/W/24/3356954

134A Higher Road, Urmston, Trafford M41 9AZ

- 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 Smart (LGS Developers) against the decision of Trafford Council.
 - The application Ref is 113202/FUL/24.
 - The development proposed is the demolition of existing vacant garage and erection of four terraced houses over three storeys, with associated gardens, parking, bin and bike storage provisions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework was published in December 2024 but does not raise any new matters which affect the assessment of this appeal scheme.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the streetscene; (b) the living conditions of the occupiers of 17 and 18 Jacks Lane and (c) the living standards of the future occupiers.

Reasons

Character and Appearance

4. The appeal site is an area of vacant land, partially occupied by a single storey garage, located within the urban area. The site was previously used for car sales. The National Planning Policy Framework (the Framework) encourages the efficient use of land and making as much use as possible of previously developed land while also creating beautiful and sustainable places. The development of the site for 4 dwellings would represent an efficient use of this land, particularly where local facilities and services are available on foot and cycle, and a bus service operates along Higher Road.
5. The area around the site is characterised by a mix of residential and commercial uses. There is no consistency in the size, styles and designs of the buildings which vary from bungalows, single storey commercial buildings to 3-storey buildings with commercial at ground floor and residential above. There is a mix of materials albeit

brick walls predominate for the residential properties. There are also varying relationships between individual buildings and the footways along the roads. In some cases, the buildings are set back from the footways and others are sited abutting the footways.

6. Within the surrounding area, vehicles are parked both on-street and within the curtilages of properties. There are examples of residential properties with parking occurring on hardstanding within the front gardens.
7. Neighbouring the site is 136/138 Higher Road which is a 2-storey building that has shopfronts resulting in a ground floor to ceiling height greater than for typical residential use. For this reason, Nos. 136/138 have the height normally associated with a 3-storey residential property. There are large windows at first floor level within the front elevation and the building has a hipped roof. Above and below the first floor windows are bands of stone which break-up the brick wall of the front elevation. There is also architectural brick detailing at eaves level.
8. Nos.130/132 comprise a semi-detached building which is separated from the site by a footway and a drive providing access to a commercial building sited to the rear of this neighbouring building. This semi-detached building is 2-storeys in height with commercial uses at ground floor level. Unlike No. 136, the ground floor ceiling height is more typical of a residential use. The front elevation of this building has less architectural detailing than Nos.136/138.
9. The proposed development includes the erection of four 3-storey terraced dwellings each with a car parking space within the front garden. The provision of these spaces results in the ground floor front elevations of the proposed dwellings being set back from the footway. At first and second floor levels the front elevations would have the same relationship to the footway as the siting of Nos. 136/138. This approach to providing spaces with an overhang of the upper floors of the proposed dwellings would not represent undercroft parking because the vehicles would not be fully parked under a building.
10. The overall height of the proposed terrace and its hipped roof form would reflect the Nos. 136/138. HTFP3 of the *Trafford Design Code* (the Code) would also be met in term of the proposed roof type and profile. However, as the council has identified, the fenestration would not align between the proposed terrace and Nos. 136/138. The appellant has indicated some continuity of design between the proposed terrace and Nos. 136/138, including the inclusion of stone bands at similar heights and brick detailing at eaves level.
11. When assessed within the context of there being no consistency in the sizes, types and designs of the buildings fronting Higher Road, the approach adopted by the appellant above ground floor level would respect the height, siting and some of the architectural features of Nos. 136/138. This approach would assist with assimilating the appeal scheme into the character and appearance of the varied streetscene and would reflect HEP 3 of the Code whereby the elevations of proposals must incorporate articulation and detail using the local context as reference.
12. However, at ground floor level the frontage of the proposed development would not be of a high quality of design. The use of front gardens for parking vehicles occurs at other dwellings within the surrounding area and, as such, this approach to

providing off-street parking for the occupiers of the proposed dwellings would be appropriate within this context.

13. The provision of on-plot parking spaces at the front of the proposed dwellings appears to have dictated their siting and design. The setting further back of the ground floor front elevations would not be objectionable but, as claimed by the council, the frontage of the terrace would be dominated by parked cars. The appellant has identified that the parking spaces would be broken up by landscaped planters. Although this approach would provide some breaking up of the parking as sought by HPG 1 of the Code, the parked vehicle would still visually dominate the frontage. Further, there is no certainty that these landscape planters would be retained after the normal 5-year maintenance period associated with a landscaping condition. It was also observed that planters are not a typical landscaping approach commonly used within the surrounding area.
14. When the vehicles are not parked then the ground floor front elevations of the dwellings would be clearly visible within the streetscene. These elevations only include a door and a high level window below which would be an area of proposed green wall. Again, there is no certainty these green walls would be retained after an initial landscaping maintenance period. Without this element of greenery the front elevations with their limited openings would not represent a high quality of design facing towards the street.
15. On this issue, because of the design and layout of the dwellings at ground floor level it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the streetscene and, as such, it would conflict with Policy JP-P1 of The Places for Everyone Joint Development Plan (JDP). Amongst other matters, this policy refers to development respecting and acknowledging the character and identity of the locality in terms of design, siting, size, scale and materials used.

Living Conditions

16. At the rear of the site are 17 and 18 Jack Lane which comprise a pair of semi-detached dwellings with relatively short rear gardens. The proposed dwellings would be 3-storeys in height and would have rear windows at first and second floor levels serving bedrooms that would have an outlook towards Nos. 17 and 18. There is vegetation, including trees, along the shared boundary which would provide for some filtering of the views from the proposed windows towards Nos. 17 and 18. However, as has previously been identified, there is no certainty any existing or new landscaping would be retained after the normal 5-year maintenance period secured by condition.
17. The appellant has referred to the potential to flip the accommodation so that non-habitable rooms are at the rear of the property. However, this is not part of the appeal scheme which has been assessed based upon the submitted drawings.
18. At its closest, there would be about a 21 metre separation distance between the third storey of the proposed dwellings and Nos. 17 and 18. The Code does not include guidance on a specific separation distance between a proposed 3-storey dwelling and an existing 2-storey dwelling. Instead, reference is made by the council to the separation distance between 3/4-storey apartment blocks (APL 3 of the Code). However, this is specific to apartment blocks and not houses.

19. There is reference in the council's previous guidance to a 27 metre separation distance for 3-storey dwellings but this guidance has been superseded by the Code. This Code only refers to the layout of 2-storey dwellings ensuring that a minimum of 21 metres is provided between major facing windows across private gardens, unless the existing urban grain dictates a lesser distance. In this case, the separation distance would be generally in accordance with this guidance albeit 3-storey dwellings are proposed.
20. Some degree of overlooking between residential properties can be expected within an urban area and this is the case within the area surrounding the site. When taking into account the urban grain of the surrounding residential area, the separation distance between the proposed dwellings and the neighbouring dwellings would reflect what currently exists and, as such, the siting and design of the appeal scheme would not prejudice the amenity of neighbouring properties. Accordingly, the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 17 and 18 Jack Lane and, as such, it would not conflict with Policy L7 of the Trafford Core Strategy (CS) which refers to developments not prejudicing the amenity of the occupants of adjacent properties by overlooking.

Living Standards

21. The commercial uses adjacent to the property were typical of what might be found within mixed use area which include residential uses. No. 132 is a shop which sells and repairs domestic appliance and opposite there is a business which sells fence panels. Nearby, there is a tyre sales outlet and a similar outlet which has now closed. None of these uses were observed or heard to be noisy during the morning site visit taking into account the background noise, primarily associated with traffic. These and other commercial uses in the surrounding area appear to be open only during the daytime.
22. No evidence has been provided by the council to indicate that the existing uses are sources of unacceptable noise and disturbance for the occupiers of the surrounding residential properties. From what was observed and heard, none of the commercial uses is an obvious source of noise and disturbance which would adversely affect the living conditions of the future occupiers.
23. Accordingly, it is concluded that the proposed development would not result in unsatisfactory living standards for the future occupiers and, as such, it would not conflict TCS Policy L7 which refers to proposals not prejudicing the amenity of the future occupiers by reason of noise or disturbance.

Conclusion

24. Although the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 17 and 18 Jacks Lane and there would not be unsatisfactory living standards for the future occupiers, these matters are demonstrably outweighed by the significant harm which would be caused to the character and appearance of the streetscene. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR