



Appeal Decisions

Site visit made on 19 May 2025

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2025

Appeal A Ref: APP/Q4245/W/24/3351505

44 The Downs, Altrincham WA14 2QQ

- 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 Javier Malda against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113823/HHA/24.
 - The development proposed is installation of new roof lights to the rear elevation.
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Appeal B Ref: APP/Q4245/Y/24/3351506

44 The Downs, Altrincham WA14 2QQ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Javier Malda against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 113821/LBC/24.
 - The works proposed are installation of new roof lights to the rear elevation.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. As the scheme relates to a listed building and lies within a conservation area, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter, using the description from the Council's decision notices. These accurately and succinctly describe the extent of development/works.

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, known as Nos. 36 to 44 (Even) (Victoria - Terrace), and any features of special architectural or historic interest which it possesses and the extent to which it would preserve or enhance the character or appearance of the Downs Conservation Area.

Reasons

Special interest and significance

5. No 44 The Downs is an end-terrace residential property constructed with a Flemish bond brick and a slate roof in a late Georgian style. The property has two main storeys, with additional lower ground floor and attic levels. It forms part of the Grade II listed building, known as Nos. 36 to 44 (Even) (Victoria - Terrace). The housing on the street, together with nearby streets, form part of a well-preserved enclave of eighteenth-century housing.
6. There are variations between the properties in the listed building, including from later alterations. Nonetheless, the broad consistency of height, stepping with the topography, materials, brick to void ratio, chimney stacks between properties, sash windows and entrance doorways with fanlights above, results in a distinct rhythm of design and cohesive appearance. The consistency within the terrace gives the listed building a dignified appearance.
7. There is a clear distinction between the architectural detailing of the front and rear facades of the listed building. This reflects the difference in their status but also the extent of alterations to the rear, including from extensions, rooflights and dormers. These contribute to the understanding of the historic development of the area and can be seen from Wellington Place. Despite the extent of alterations, the historic roof slope remains the dominant legible feature and there is a broad rhythm and regularity to the rear elevation's roof slope due to the number and placement of dormers and rooflights per property.
8. In so far as it is relevant to these appeals, the special interest and significance of the listed building resides in its architectural, historic and aesthetic value as a Georgian terraced town house and the general uniformity of the terrace of which it forms a part.
9. The appeal site is located within Character Zone A of the Downs Conservation Area (CA), which covers an area of mostly eighteenth-century housing. Buildings are characterised by high quality traditional materials and fine craftsmanship, particularly to the public facing elevations, reflecting the wealth and status of the area. In addition, and notwithstanding that they may not be prominent or visible from the public realm, the contrasting unadorned and functional secondary rear elevations contribute to the character, appearance, and significance of the CA, albeit to a small degree. In this regard, the special interest/significance of the listed building contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Effects of the proposal

10. The proposal would result in three features on the roof slope of the appeal premises. The proposed rooflight serving the attic room would maintain a broad alignment with the existing dormer window. However, the rooflight serving the stairwell would be set low down in the slope and very close to the dormer. Taken together, the three would result in an unbalanced arrangement. Due to the number, the contrasting form between the dormer and rooflights and their arrangement on the roof slope, the proposal would fail to harmonise with the more regular rhythm and general uniformity of the terrace.

11. As such, the resulting roof slope on the appeal premises would have an overtly cluttered arrangement. This would appear at odds with the simple elegance of the listed building. The permanent loss of historic fabric to facilitate the proposal, however small, would also exacerbate the harm.
12. I have already considered the extensions and alterations to the rear of properties within the group, including the existing dormers and rooflights when considering the significance and special interest of the listed building. I also accept that rooflights are commonly found on the rear of properties within this part of the CA. As such, even though they are part of the building's narrative they do not justify the harm from this proposal that I have identified. In any case, my concerns are not the principle of rooflights but the combination of the number of rooflights with the existing dormer and their arrangement on the roof slope in the proposal before me.
13. Part of the significance of the CA is the high quality of the historic buildings it contains. The proposal would be hidden from views from the road to the front, and as such the attractive streetscape along the Downs that forms this part of the CA would not be materially affected. However, given my findings above in relation to the rear elevation of the listed building where it can be seen from Wellington Place and in private views, I also consider that the proposal would, in turn, harm the character and appearance of the CA.
14. Drawing the above together, the proposal would fail to preserve the special interest of the Grade II listed building, and would fail to preserve or enhance the character and appearance of the CA. As a result, the expectations of the Act have not been met and the proposal would harm the significance of these designated heritage assets.

Public benefits and heritage balance

15. Paragraph 212 of the National Planning Policy Framework (the Framework) (2024) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
16. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. In this instance, as the harm would be confined to the rear roof slope at the appeal property, the harm to the overall listed building and the CA would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
17. There would be some minor economic, social, and environmental benefits resulting from the construction works, the general investment into the property and improvements to the local housing stock. However, the nature and scale of the associated public benefits that would flow from the scheme to the public at large would be minimal. Rather, the proposal would principally be of private benefit to any occupier of the property in providing an improved standard of accommodation from the benefits of the rooflights. As such, the associated public benefits carry little weight in favour of the appeals.

18. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence. In the absence of any substantiated evidence to the contrary, neither would any public benefits accrue in relation to the CA.
19. Overall, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the weight that I attach to the harm I have identified. Accordingly, the proposal would be contrary to the requirements of both the Act and the Framework, in so far as they relate to this main issue. It follows that it would also be contrary to the requirements of Policy R1 of the Trafford Core Strategy and Policy JP-P2 of the Places for Everyone Joint Development Plan. These say, amongst other things, that development proposals affecting designated and non-designated heritage assets and/or their settings will be considered having regard to national planning policy.

Conclusion

20. **Appeal A:** The proposed development would conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
21. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

Mr R Walker

INSPECTOR