



Appeal Decisions

Site visit made on 16 June 2025

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 JUNE 2025

Appeal A Ref: APP/Q4245/C/24/3353728

Fieldside, 18 Grange Road, Bowdon, WA14 3EE

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Paul Skelt against an enforcement notice issued by Trafford Metropolitan Borough Council.
 - The notice was issued on 10 September 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of high boundary treatment consisting of brick wall, fence, piers and electric sliding access gate.
 - The requirements of the notice are to 1) remove the boundary wall, fencing and gate shown on photograph ENF/01, and 2) remove from the land all building materials, rubble and waste arising from carrying out the above steps.
 - The period for compliance with the requirements is six months after the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
 - The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Paul Skelt against an enforcement notice issued by Trafford Metropolitan Borough Council.
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Appeal B Ref: APP/Q4245/D/25/3362965

Fieldside, 18 Grange Road, Bowdon, WA14 3EE

- 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 Paul Skelt against the decision of Trafford Metropolitan Borough Council.
 - The application reference is 114828/HHA/24.
 - The development proposed is the installation of a replacement electric access gate and alterations to front boundary treatment.
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Decisions

Appeal A Ref: APP/Q4245/C/24/3353728

1. The appeal is dismissed, the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Ref: APP/Q4245/D/25/3362965

2. The appeal is dismissed.

Preliminary Matters

3. The National Planning Policy Framework was revised in December 2024 and subsequently amended in February 2025 (the 2025 Framework). This replaces the

previous version of the National Planning Policy Framework published in December 2023. The 2025 Framework has not materially changed in terms of the main issues relating to both appeals.

4. Appeals A and B relate to the same land. Appeal A relates to the brick wall, fence, piers and electric sliding access gate that exists now and which were in place when the enforcement notice was issued. Appeal B relates to different gates and alterations to the existing boundary treatment as shown on submitted proposed plans. For the avoidance of doubt, I consider the planning merits of both planning applications in my reasoning below. The main issues are essentially the same for both appeals.
5. It is noteworthy that the appellant has agreed that in respect of Appeal B, the proposed block plan is incorrect in so far that it shows the electric gates as being side hung. As per the Council's planning officer report, the applicant's agent confirmed that a sliding gate was proposed. I have therefore considered Appeal B on that basis.

Main Issues

6. The main issues for both appeals are whether the respective developments preserve or enhance the character or appearance of the Bowdon Conservation Area, and whether harm has been/would be caused to the significance of Nos. 16-18 and 20-30 Grange Road, including their respective settings, which are identified as non-designated heritage assets.

Reasons

7. The land to which both appeals relate includes a mid to late 19th century semi-detached dwellinghouse. It is located within the Bowdon Conservation Area (CA). Alongside Nos. 16 and 20-30 Grange Road, the property is identified in the Council's SPD 5.9 'Bowdon Conservation Area Appraisal' 2016 (CAA) as being a *'positive contributor'*. The CAA states that *'these buildings reflect a substantial number of other elements in the conservation area in age, style, materials, and form. These buildings as part of a group illustrate the development of the settlement in which they stand. They reflect the traditional functional character and former uses in the area'*. Given the age, traditional appearance and genteel character of these properties, I find that they are non-designated heritage assets.
8. The appeal site falls within 'Character Zone C' in the CAA. The area is predominantly residential in character and with a range of plot and house sizes and materials. The predominant impression is of large dwellinghouses built in brick and set in gardens with mature trees and shrubs and non-imposing stone walls and gateposts.
9. As part of my site visit, I was able to experience the locality of Grange Road and the contribution that it makes to the significance of the CA as a whole. While there is the odd exception, as considered later in this decision, this part of Grange Road (i.e., between the York Road and South Downs Road junctions) is appreciated as being verdant in character. Most of the traditional Victorian properties in this part of the street include frontage boundary planting/hedges, some of which are interspersed with low stone walls or other forms of low boundary treatment. This treatment is seen in conjunction with the tall, mature and continuous planting on the other side of Grange Road.

10. The verdant and sylvan character of the street adds positively and distinctively to the significance of this part of the CA. While some walls and/or entrance gates exist in the CA, they are predominantly low in height, traditional in appearance, and are set within, amongst or adjacent to significant landscaped frontages. Overall, the passer-by experiences a soft/green edge to the front of the properties in the locality, including in this part of Grange Road, interspersed with mainly open vehicular accesses which give views of the traditional and characterful dwellinghouses. Where gates do exist, they are generally side hung, are low in height, and have a simple traditional appearance. It is noteworthy that prior to the unauthorised development taking place, the appeal site included five-bar wooden entrance gates which were low in height. They were simple and traditional in appearance and were side hung from wooden posts. They were seen in conjunction with a mature hedge.
11. The unauthorised development includes a sliding gate with horizontal rails and is about 1.8 metres in height. There is an associated brick wall with horizontal rails above. The three brick piers are slightly higher than the sliding gate. The wall includes both blue and red bricks and the brick piers are topped with pre-cast stone caps.
12. Given the height and extent of the boundary treatment, it is experienced as being a dominant and intrusive form of development in the street-scene. The minimal gaps between the horizontal rails do not overcome this concern. There is a notable absence of any landscaping associated with the boundary treatment which is the subject of Appeal A. Hedges are a dominant and pleasing characteristic in this part of the CA. In contrast, the unauthorised boundary treatment is seen as a harsh and unsympathetic addition when experienced by passers-by.
13. The above harm is exacerbated in so far that the materials used are not traditional. The blue coloured bricks and horizontal rails are not reflective of the traditional character and appearance of the materials that prevail in respect of the host property or indeed this part of Grange Road. In my judgement, the breach of planning control is seen as an uncharacteristically modern urban boundary treatment which is at odds with the period of the house. Moreover, it departs unacceptably from the verdant character of the street. Consequently, harm has been caused to the significance of the CA. I find that the development does not preserve or enhance the character and appearance of the CA.
14. I note the appellant's attempts to make some alterations to the breach of planning control in respect of the Appeal B proposal. The use of railings as distinct from the horizontal rails would soften the means of enclosure to some extent. However, the 1.4-metre-high sliding wrought iron gate would appear as an overly fussy structure given its shape and design and hence unwanted attention would be drawn to it. Moreover, the use of a sliding gate is not reflective of other gates in the area which are mainly side hung and from non-imposing posts or piers.
15. While I find that the Appeal B development would not be as harmful as that which is the subject of Appeal A, it would nonetheless still constitute a dominant and modern form of boundary treatment in the context of this part of the CA. Furthermore, I do not find that sufficient efforts have been made to incorporate frontage landscaping, as existed previously, and to break up the adverse impacts of the proposed built form. Put another way, the boundary treatment would continue to

be the dominant addition to the front of the host property, rather than boundary landscaping.

16. I acknowledge that the appellant has drawn my attention to examples of other means of enclosure in the area. The Council states that the solid gates at No. 16 Grange Road are lawful due to the passage of time, and that the gates at No. 14 Grange Road are the subject of enforcement investigation. None of the examples of other means of enclosure elsewhere referred to by the appellant alter or outweigh what I consider to be the prevailing and positive characteristics of this part of the CA, and which defines its overall significance.
17. As regards the non-designated heritage assets at Nos. 16, 18 and 20-30 Grange Road, I acknowledge that the conservation significance of these properties derives essentially from their Victorian architectural appearance rather than from the boundary treatment associated with them. Nonetheless, the predominance of hedge planting and other vegetation associated with their frontages, coupled with the mainly open entrance driveways offering pleasing glimpsed views of the architecturally attractive dwellinghouses, is such that there is a general uniformity to the way that these properties are experienced in the street-scene.
18. In other words, given such uniformity, and the prevailing soft frontages associated with these properties, the passer-by can generally experience these architecturally impressive dwellings within a genteel sylvan mature landscaped character, and without the presence of dominating and harsh boundary treatment. In this context, the development which is the subject of both appeals A and B constitutes a visual distraction to the way that these properties are experienced, and, in this regard, I find that harm has been or would be caused to the significance of the non-designated heritage assets because of the harm caused to their wider verdant setting.
19. In the context of paragraph 215 of the 2025 Framework, I conclude that less than substantial harm has been/would be caused to the significance of the CA from the Appeal A and Appeal B developments. I deal with other considerations below, but to the extent that they could be said to be public benefits, as distinct from private benefits, they do not outweigh the less than substantial harm caused to the CA. Moreover, in respect of the harm that has been/would be caused to the non-designated heritage assets from the Appeal A and Appeal B developments, given the harm caused to their settings, I do not find that the scale of such harm is sufficiently outweighed by the other considerations outlined below.
20. I therefore conclude that the developments which are the subject of Appeals A and B fail to accord with the design and conservation requirements of policies JP-P1 and JP-P2 of the adopted 2024 Places for Everyone Joint Development Plan 2022-2039; policy R1 of the adopted Trafford Local Plan Core Strategy 2012; the Council's adopted SPDs 5.9 and 5.9a 2016; the Council's adopted 2012 SPD4: A Guide for Designing House Extensions and Alterations; policy HTB 1 of the Council's SPD7 Trafford Design Code 2024, and chapters 12 and 16 of the 2025 Framework.

Other Considerations

21. The appellant comments that it was necessary to make the site more secure following a burglary which included the theft of a vehicle. Moreover, the appellant has commented that he was incorrectly advised by a third party that planning

permission was not required for the breach of planning control and that he has spent a lot of money constructing the means of enclosure.

22. While I have some sympathy with the position of the appellant in terms of being badly advised, it would not be appropriate to grant planning permission for this reason alone. While I do not doubt the appellant's desire to make his property and belongings more secure, particularly given a recent burglary, this must be weighed against the harm that has been/would be caused to the CA and to the non-designated heritage assets. Furthermore, I do not know if the appellant has considered other options to enhance security at the property such as the use of a modern alarm, CCTV and/or a more sympathetic means of enclosure which seeks to include significant planting.

Planning Balance and Conclusions

23. On balance, I conclude that the harm caused to the CA and to the settings of the non-designated heritage assets from either the Appeal A or Appeal B developments are matters of overriding concern. Such planning harm is not outweighed by the other considerations outlined above. The Appeal A and Appeal B developments fail to accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decisions should be made other than in accordance with the development plan. Therefore, the ground (a) appeal fails, and the section 78 appeal should be dismissed.

Overall Conclusions

Appeal A Ref: APP/Q4245/C/24/3353728

24. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Appeal B Ref: APP/Q4245/D/25/3362965

25. For the reasons given above, the appeal should be dismissed.

D Hartley

INSPECTOR