



Appeal Decision

Site visit made on 23 May 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2025

Appeal Ref: APP/Q4245/W/25/3361353

13 Rivershill, Sale, Trafford M33 6JS

- 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 Basil Clarke against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 114252/FUL/24.
 - The development proposed is a replacement single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 2 Riverside Gardens, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is a vacant, overgrown parcel of land located at the end of Rivershill, a narrow cul-de-sac off Glebelands Road. Rivershill is characterised by large, detached dwellings, located on one side of the road, which have a broadly square plan form below a pyramid roof. They occupy much of the width and depth of their plot, with small gardens, and are sited close to their boundaries with other dwellings to the rear. There is a strong rhythm and uniform pattern of development along Rivershill, and a clear building line which runs the length of the cul-de-sac.
4. The ground and second floor of the three storey dwelling proposed would continue the building line of Rivershill and would have a square plan form, albeit with an integral garage and lightwell to one side. However, at first floor, a cantilevered platform would project at an angle from the front elevation of the dwelling, with car parking below. This projection would be at odds with the characteristic simple square plan form of those nearby, and its siting would project forward from the established building line of Rivershill.
5. The first-floor platform would be finished in a material which would have a degree of translucency, but it would nonetheless have a solid mass and appear as a substantial structure. It would project a significant depth from the main part of the

proposed dwelling at a height which would be above the eaves of the adjacent dwelling on Riverside Gardens. The proposed mono pitch roof would broadly align with the prevailing ridge height of Rivershill and the different floors of the dwelling have been set back and off-set from each other to try to reduce the bulk of the building. Despite this, in conflict with Design Code HEP1 of the 'Supplementary Design Code 7 (SPD 7) - Trafford Design Code' (2024) (TDC), the scale and horizontal emphasis of the proposed dwelling would fail to reflect the proportions or simple composition of its neighbours appearing much larger in its bulk and massing.

6. The appeal site is overgrown with a fence on its frontage, but it has a relatively open aspect and a backdrop of mature landscaping along the banks of the river which contributes positively to the vista along Rivershill. The first-floor platform, due to its projection, height and materiality, would enclose this open vista and would appear a dominant and discordant addition when viewed along Rivershill.
7. The proposed dwelling would have a mix of materials, including treated wood, metal and grey brick. These contrast with the existing materials in the area where dwellings are typically constructed in a red brick, rendered, or part rendered, with a tiled roof. Whilst the use of contemporary materials is not precluded by TDC Design Code HMD1, the proposal nonetheless conflicts with the advice that façade materials and details must reflect the traditional material palette and colour in the surrounding context.
8. The proposed elevation facing the river would not be clearly visible from the southern bank because the footpath is at a much lower level than the appeal site. However, it would be visible from the well-used footpath on the opposite bank. This elevation would have little visual cohesion encompassing large areas of glazing which are irregularly placed and sized with little alignment or replication of openings between the different floors. The existing landscaping along the banks would not be effective in screening or softening the visual presence of this elevation.
9. Although dwellings along Rivershill have been altered, there is nevertheless a pattern and rhythm to the fenestration which typically comprises a pair of windows to each floor on the front elevation, including a ground floor bay. The fenestration would include only double-glazed doors at ground floor and a single window on the corner of the first-floor platform, but with two windows (of different proportions) at second floor which extend high into the mono pitch roof form. As such, the proposed window and door openings on the Rivershill elevation fail to draw any reference from this local context.
10. My attention has been drawn to a planning permission which was granted for a new dwelling on the appeal site in 2018¹ (the 2018 permission). Whilst this scheme comprised a contemporary design, based on the evidence before me, it did not incorporate a first-floor platform. Additionally, the materials comprised a more traditional palette of brick and render. I therefore find the appeal scheme to be more harmful than the 2018 permission.
11. Similarly, the evidence before me indicates that the new dwelling at 12 Greenhill Avenue² would be rendered and would broadly reflect the square form and proportions of its neighbours, incorporating the characteristic pyramid roof with high

¹ LPA ref. 92773/FUL/17

² LPA ref. 100790/FUL/20

eaves, pairs of windows and a ground floor bay. As such it is a materially different scheme to the one before me and does not, therefore, weigh in favour of the grant of planning permission in my decision.

12. I therefore conclude that the proposed development would cause significant harm to the character and appearance of the area. It would conflict with Policy JP-P1 of the Places for Everyone Joint Development Plan Document (2024) which requires development to have a clear identity that, whilst visually stimulating, respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used.

Living Conditions

13. The second-floor window and door serving the main bedroom of the proposed development would directly face the site's boundary with 2 Riverside Gardens (No 2). This would have a separation distance greater than required within Design Code HPL7 of the TDC. However, this door would provide access onto a roof terrace above part of the cantilevered projection, thereby reducing the distance from the edge of the terrace and the site boundary to below the TDC requirement. Consequently, when in use, future occupiers of the proposed development would have direct and elevated views into the garden area of No 2, despite the angular relationship of the terrace and 'living roof' feature on the remainder of the projection. Notwithstanding the likely seasonal use of the terrace, it would nonetheless lead to an unacceptable loss of privacy experienced by the occupiers of No 2 when using their garden.
14. Whilst the 2018 permission incorporated a projecting balcony, this was located on the north facing elevation toward the river and not directly facing the garden of No 2. It would not, therefore, lead to the level of harm I have identified above.
15. I therefore conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 2, with regard to privacy. It conflicts with Policy L7 of the Core Strategy (2012) which requires that development, amongst other things, must not prejudice the amenity of occupants of adjacent properties by reason of overlooking.

Other Matters

16. Representations have been made by interested parties which raise concerns regarding matters including damage to infrastructure (sub-surface sewage, water supply and drainage), permanent rights of way and access along the length of Rivershill, and restrictions on title and extent of ownership. Whilst I acknowledge these concerns, they are civil and legal matters which fall outside of the scope of this appeal, which I have considered solely on its planning merits.

Conclusion

17. The appellant refers to a prolonged and persistent under delivery of housing in the area, and at the time the application was determined, the Council were failing the Housing Delivery Test (HDT), resulting in paragraph 11d) of the National Planning Policy Framework (the Framework) being engaged. However, the Council's evidence is that the latest HDT figures show delivery of an average of 78% of its housing requirement over the last three years to March 2024. Consequently, paragraph 11d)ii of the Framework is not engaged.

18. The proposed development would make a small but valuable contribution to local housing supply and toward provision for people wishing to build their own homes, delivering a self-build plot. It would also make efficient use of a vacant, brownfield site in a well-established residential area, with good accessibility to services and facilities.
19. Additional benefits would arise through the creation of construction jobs, and the support the new residents would likely give to local amenities, services and businesses. The proposal includes three areas of 'living roof' which would also contribute toward biodiversity. Although these are benefits of the proposal, given the small scale of the development, I afford them little weight. The provision of sufficient secure cycle parking is a neutral matter which weighs neither for, nor against the proposal.
20. The proposal conflicts with the development plan as a whole and there are no material considerations, either individually or in combination, that outweigh this conflict. For the reasons identified above and having regard to all other relevant matters raised, the appeal should be dismissed.

R Gravett

INSPECTOR