



Appeal Decision

Site visit made on 17 July 2025

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/Q4245/W/25/3362990

No 4 Sandy Lane, Stretford, Manchester, M32 9DA

- 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 Vincent Scully against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 114862/FUL/24.
 - The development proposed is 2 storey dormer 2 bed bungalow with associated landscaping and parking including access at land to rear of No 4 Sandy Lane Stretford.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect of the proposal on the living conditions of the occupiers of 6 Sandy Lane, with particular regard to privacy,
 - the effect of the proposal on protected species, and
 - whether the proposal would meet policy requirements for accessible and adaptable dwellings.

Reasons

Character and appearance

3. Sandy Lane is a tree lined street characterised by traditional detached and semi-detached houses. The buildings are set back from the road and have very long rear gardens.
4. Whilst the Sandy Lane frontage is dominated by older properties, there are a number of modern developments close to the appeal site, including a group of three storey blocks of flats on Cheshire Close, and a dormer bungalow at 6a Sandy Lane (No. 6a).
5. The proposed house would be constructed in part of the back garden of 4 Sandy Lane (No. 4). It would be accessed via an existing driveway which runs between No. 4 and the adjacent property, 6 Sandy Lane (No. 6). The driveway provides vehicular access to No. 6a, before continuing in the form of a footpath to

a large area of public open space beyond. Mature trees in the adjacent gardens and along the driveway give it an attractive, green character.

6. The existing garages on the appeal site would be removed as part of the proposal and replaced with a dormer bungalow, with a garden to the side and space for parking two cars. To provide a passing place for vehicles, the driveway would be widened for a short distance, close to the junction with Sandy Lane.
7. Unlike the surrounding buildings, most of which are orientated in a north-south direction, the new house would face east, fronting onto the driveway. There would be a small set back at the front of around 1.3m, but the external walls of the proposed house would extend almost as far as the site boundaries on two sides, with minimal space between.
8. The principle of large rear gardens being subdivided to provide space for new development is well established in this area. However, in this case, the new plot would be formed from part of one garden, rather than multiple gardens as appears to have occurred elsewhere. As a result, the new plot would be narrow. Unlike No. 6a, which occupies a much deeper plot, the proposed house would have very little space around it. The proposal would not reflect the prevailing spacious character of the surrounding properties.
9. The proximity of the new building to the plot boundaries, and the minimal set back from the driveway, would result in a cramped appearance to the proposed development. This would be exacerbated by the appearance of the new house. From the front, the design of the building would be appropriate, with a dormer form similar to that of No. 6a. However, when viewed from the side and rear, the asymmetrical form of the building, with its truncated rear roof and higher eaves at the back than the front, would appear awkward and would add to the impression of insufficient space.
10. Removal of the existing garages and fence, which are in a poor condition, would have a positive impact on the appearance of the site. However, that could be achieved without construction of the proposed house, which would be a prominent feature of the driveway/footpath, and, due to the small plot size and cramped appearance, would appear out of character here.
11. The use of render is not uncommon in the surrounding area, but the prevailing building material is brick. The light coloured render finish which is proposed here would draw attention to the new house, exacerbating its prominence and adding to the visual harm.
12. For these reasons, the proposal would cause harm to the character and appearance of the area. It would fail to comply with policy JP-P1 of the Places for Everyone Joint Development Plan 2024 (PfE), which requires that development respects and acknowledges the character and identity of the locality in terms of design, siting, scale and materials. There would be further conflict with policy L2.2 of the Trafford Core Strategy 2012 (CS), which requires that new residential development is not harmful to the character or amenity of the immediately surrounding area.
13. The Trafford Design Code Supplementary Planning Document 2024 (TDC) sets out requirements for new houses. The TDC advises that new houses should have elevations that achieve appropriate width and height proportions so they are

aesthetically pleasing (code HEP 1). The proposal would not do so. Neither would it reflect the spacing between existing dwellings on the street, as required by code HTEP 1 (Context).

Living conditions

14. The proposed house would look out across the narrow driveway, and from the dormer windows on the upper floor it would be possible to see into the rear garden of No. 6.
15. According to the Council, the distance between the front elevation of the proposed house and the back garden of No. 6 would be around 7.5m, a figure which has not been disputed by the appellant. This is well below the 10.5m separation figure contained in the TDC (code HPL 7), the purpose of which is to avoid close overlooking, and to maintain privacy.
16. The long garden of No. 6 will already be overlooked by rear windows of adjacent houses, in particular those of the attached property, 8 Sandy Lane. However, the proposal would introduce direct overlooking from a short distance away, into a part of No. 6's garden which is furthest away from existing houses. This area is likely to be least affected by overlooking from existing houses, and therefore most private.
17. That said, existing trees within the garden of No. 6, close to the appeal site, would provide significant screening. This would be particularly the case during the summer months when the trees are in leaf, which is also the time when the garden is likely to be used the most. Furthermore, the area which would be most affected would be the bottom of No. 6's garden. It is likely that this area will be less intensively used than other parts of the garden which are closer to the house, so will be less sensitive.
18. Taking all these matters into account, I conclude that the proposal would cause a small amount of harm to the living conditions of the occupiers of 6 Sandy Lane with regard to privacy. There would be a minor conflict with CS policy L7.3, which says that development must not prejudice the amenity of occupants of adjacent properties, including by overlooking. There would also be some conflict with PpE policy JP-P1, which requires that outdoor environments have a high level of amenity.

Protected species

19. The proposed development would involve the removal of two somewhat dilapidated garages, and the felling of three trees, one of which is a mature ash with signs of dieback. The Council's ecology consultant has noted that the existing buildings appear to have crevices which may be suitable for bats, with good quality foraging habitat nearby. The trees to be removed may be used by bats too.
20. There is therefore a reasonable prospect that bats use the site. If so, they would likely be affected by the proposed development. Bats are a legally protected species, and it is important that their presence or absence is ascertained through appropriate surveys, carried out by a qualified ecologist.
21. In this case, no such survey has been provided. The appellant has suggested that bat surveys could be the subject of a pre-commencement condition. However,

Circular 06/2005¹ advises that 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 planning permission is granted. This is necessary so that any mitigation measures can be identified before development begins.

22. On the basis of the information provided, harm to protected species cannot be ruled out. Without an appropriate ecological assessment, as required by CS policy R2, it has not been demonstrated that the proposal would adequately mitigate any harm to biodiversity, as required by PfE policy JP-G8.

Accessible and adaptable dwellings

23. PfE policy JP-H3 requires that all new dwellings must be built to the 'accessible and adaptable' standard in Part M4(2) of the Building Regulations, unless specific site conditions make this impracticable. The TDC includes a similar requirement.
24. The proposed development would not meet Part M4(2), although the appellant has said that the internal layout could be amended so that the downstairs bathroom could achieve the standard. The site is constrained, but the appellant has not explained why the 'accessible and adaptable' standard could not be met in full.
25. The new house would meet the Nationally Described Space Standards, which is also a requirement of PfE policy JP-H3. However, that is a separate requirement, aimed at fulfilling different (albeit related) needs.
26. To conclude, the proposed development would not fully meet policy requirements for accessible and adaptable dwellings, as set out in PfE policy JP-H3. As the proposal is for only one house, and there could be scope to partially meet Part M4(2), this issue alone would not be enough to dismiss the appeal. However, the failure to fully meet the policy requirement adds to the other harms I have identified.

Other Matters

27. The proposal would provide an additional home, which would contribute to meeting the housing needs in the area, but only by a very small amount. The addition of one extra dwelling is not sufficient to outweigh the harms which I have identified.
28. The occupier of No. 4 has said that they support the proposal, but they own the site, so stand to benefit financially from the scheme. I therefore give no weight to this support.

Conclusion

29. For the reasons set out above, the proposed development would not comply with the development plan. I have identified no other considerations which would outweigh the harms, so the appeal is dismissed.

R. Morgan

INSPECTOR

¹ Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System