
Appeal Decision

Site visit made on 25 July 2025

by **S Hartley BA (Hons) Dist.TP (Manc), DMS, MRTPI, MRICS**

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/Q4245/W/25/3365041

64 Briony Avenue, Hale Barns, Trafford, Manchester WA15 8QA

- 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 Wasim Saleem against the decision of Trafford Council.
 - The application reference is 114130/FUL/24.
 - The development proposed is a new build residential dwelling, use class C3, to replace an existing residential dwelling (C3).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issues below and therefore, it has not been necessary for me to seek comments from the main parties.

Main Issues

3. The main issues are the effect of the development upon (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of No. 66 Briony Avenue in respect of outlook.

Reasons

Character and appearance

4. The appeal site is currently a two-storey, detached dwelling constructed with brick, render and timber cladding, with a pitched gable facing Briony Avenue and with intervening front amenity space and driveway.
5. It adjoins a detached dwelling of similar design and also other dwellings of varied designs but with a generally similar building line and similar heights. There are gaps between the dwellings, at least at first floor level, which avoid a terracing effect and allow views of the sky and landscaping between them. This latter quality adds distinctively and positively to the character and appearance of the area.
6. The proposed replacement dwelling would include a double pitched gable to the front and an overall height to that of adjoining properties. The local planning authority (LPA) considers that this design element is acceptable and I have no

reason to disagree. However, the proposed dwelling would take up nearly the whole width of the site, at two -storey height, leaving only a gap of approximately 0.8 metres to one side and 1.3 metres to the other (accounting for the 0.2 metres roof hang), thus adversely reducing those views between properties to which I have referred.

7. I appreciate that there are other instances in the area where gaps between properties are comparable, though they are very much the exception rather than the norm, especially at first floor level.
8. The rear elevation would include a box dormer window, and while it would not be very conspicuous from the public domain, it would be seen from the school to the rear. By its length, flat roof and height, reaching the height of the main roof to the property, it would give a top-heavy appearance to the dwelling, detracting from its otherwise acceptable design.
9. While the appellant considers that such a dormer or dormers could be constructed under permitted development rules, I have no evidence or certainty before me that this would be implemented. In any event, I have considered the proposal as submitted, and I can afford only limited weight to the claimed fall-back position.
10. I do not consider that the proposed mansard roof with its flat top would be an incongruous feature, especially when the overall height of the proposed dwelling would be comparable to those around it.
11. However, overall, the dwelling, especially by its excessive width, but also by the proposed dormer, would represent poor design which would detract from the character and appearance of the area.
12. Therefore, it would not accord with Policy JP-P1 of the Places For Everyone Joint Development Plan Document For Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford And Wigan (2024) (PfE), the Trafford Design Code Supplementary Planning Document 2024 (SPD) or with chapter 12 of the Framework, all of which require development to respect and acknowledge the character and identity of its location in terms of design, siting and size so as to enhance its surroundings.

Living conditions

13. The proposed dwelling would project beyond the rear elevation of No. 66 Briony Avenue by a distance estimated by the LPA to be 3.7 metres. The proposed dwelling would be two storeys high and would be constructed very close to the party boundary with little intervening space between it and the side elevation to the neighbouring dwelling. At the point where the proposed dwelling projects beyond the rear elevation of No. 66 Briony Avenue it would present a blank wall to it.
14. I appreciate that it is not uncommon for dwellings to have some staggering with varying lengths of elevations between them. However, by its close position, height, length and its blank wall, in this case it would have an adversely overbearing impact for the occupiers of No. 66 Briony Avenue when seen from its rear amenity space.
15. Therefore, I conclude that the proposal would not accord with policy L7 of the Council's Core Strategy 2012, its Guidance for Designing House Extensions and Alterations Supplementary Planning Guidance (SPD4), and chapter 12 of the

Framework, all of which aim to ensure that development does not prejudice the amenities of future occupants of the development and that of the occupants of adjoining properties by, amongst other things, an overbearing presence.

Other Considerations

16. While the appellant states that the proposed development responds to his needs, this is a matter which does not outweigh my conclusions upon the main issues.

Conclusion

17. There are no material planning considerations that indicate the application should be determined other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR